

Wisconsin State Legislature

SENATE CHAIR
ALBERTA DARLING

317 East, State Capitol
P.O. Box 7882
Madison, WI 53707-7882
Phone: (608) 266-5830



ASSEMBLY CHAIR
ROBIN VOS

309 East, State Capitol
P.O. Box 8593
Madison, WI 53708-8953
Phone: (608) 266-9171

Joint Committee on Finance *100TH ANNIVERSARY 1911 - 2011*

MEMORANDUM

To: Members
Joint Committee on Finance

From: Senator Alberta Darling
Representative Robin Vos

Date: June 13, 2011

Re: s. 16.515/16.505(2), Stats. Requests

Attached is a copy of requests from the Department of Administration, received June 13, 2011, pursuant to s. 16.515/16.505(2), Stats., on behalf of the Milwaukee, Dane, and Outagamie County District Attorney offices.

Please review the material and notify **Senator Darling** or **Representative Vos** no later than **Thursday, June 30, 2011**, if you have any concerns about the requests or if you would like the Committee to meet formally to consider it.

Also, please contact us if you need further information.

Attachments

AD:RV:jm



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: June 13, 2011

To: The Honorable Alberta Darling, Co-Chair
Joint Committee on Finance

The Honorable Robin Vos, Co-Chair
Joint Committee on Finance

From: Mike Huebsch, Secretary *MDH*
Department of Administration

RECEIVED
JUN 13 2011
BY: *St. Finance*

Subject: s. 16.515/16.505(2) Request(s)

Enclosed are request(s) that have been approved by this department under the authority granted in s. 16.515 and s. 16.505(2). The explanation for each request is included in the attached materials. Listed below is a summary of each item:

AGENCY	DESCRIPTION	2011-12		2012-13	
		AMOUNT	FTE	AMOUNT	FTE
DAs	Gifts and grants	0	4.00 ¹	0	0.00
20.475(1)(h)					--
DAs	Gifts and grants	0	1.00 ²	0	0.00
20.475(1)(h)					
DAs	Gifts and grants	0	1.00 ³	0	0.00
20.475(1)(h)					
DAs	Gifts and grants	0	.50 ⁴	0	0.00
20.475(1)(h)					
DAs	Interagency and intra-		8.00 ⁵	0	0.00
20.475(1)(k)	agency assistance				

¹Create project positions with authority from 10/1/2011 through 01/31/2012.

²Extend project positions with authority from 07/01/2011 through 08/30/2011.

³Extend project positions with authority from 07/01/2011 through 05/31/2012.

⁴Extend project positions with authority from 07/01/2011 through 09/30/2011.

⁵Extend project positions with authority from 07/01/2011 through 12/31/2011.

As provided in s. 16.515, the request(s) will be approved on July 5, 2011, unless we are notified prior to that time that the Joint Committee on Finance wishes to meet in formal session about any of the requests.

Please contact Carol Lynch at 266-3330, or the analyst who reviewed the request in the Division of Executive Budget and Finance, if you have any additional questions.

Attachments



**WISCONSIN DEPARTMENT OF
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SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Executive Budget and Finance
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1736
Fax (608) 267-0372
TTY (608) 267-9629

Date: June 10, 2011

To: Mike Huebsch, Secretary
Department of Administration

From: Leah Wavrunek *lw*
Executive Policy and Budget Analyst

Subject: Request under s. 16.505 from Milwaukee, Dane and Outagamie Counties to extend program revenue assistant district attorney project positions and create 4.0 FTE program revenue project positions.

REQUEST:

The Department of Administration (DOA), on behalf of the Milwaukee, Dane and Outagamie County District Attorney offices, requests the extension of program revenue funded assistant district attorney (ADA) project positions as listed in the table below. DOA also requests, on behalf of the Milwaukee County District Attorney Office, the creation of 4.0 FTE program revenue funded project positions from October 1, 2011 through December 31, 2011.

County	Grant to be Extended	FTE	Requested End Date
Dane	Justice Assistance Grant Local	0.50	December 31, 2011
Milwaukee	Justice Assistance Grant/Drug Diversion	1.00	May 31, 2012
Milwaukee	Milwaukee Public Schools Restorative Justice	1.00	August 30, 2011
Milwaukee, Dane, Outagamie	Justice Assistance Grant/Congressional Selected Award	8.00	December 31, 2011

REVENUE SOURCES FOR APPROPRIATION(S):

The revenue source for the positions under s. 20.475(1)(k) *Interagency and intra-agency assistance* is a grant of \$1,200,000 from the U.S. Department of Justice. The funding amount was included in the federal fiscal year 2009 omnibus budget as a congressional selected award and the recipient is the Department of Administration, which sub grants the funds to the District Attorneys. As the grant is funded from a program revenue continuing appropriation, there is no accompanying request for an increase in expenditure authority.

The revenue sources for the positions under s. 20.475(1)(h) *Gifts and grants* include the following: grant from the City of Madison, City of Fitchburg, Town of Madison and Dane County as part of a federal fiscal year 2009 Byrne/Justice Assistance Grant (JAG) program local award for the Dane County general caseload prosecutor; grant under the American Recovery and Reinvestment Act, Byrne/JAG program for the Milwaukee County drug diversion prosecutor; allocation from the Milwaukee Board of School Directors for the Milwaukee County restorative justice prosecutor, and; federal Office of Violence Against Women grant funds for the newly requested domestic violence prosecutors in Milwaukee County. As these grants are also funded from a program revenue continuing appropriation, there is no accompanying request for an increase in expenditure authority.

BACKGROUND:

Milwaukee, Dane and Outagamie Counties Congressional Selected Award (Kohl grant)

At the end of the 2007 legislative session state Senator Jim Sullivan introduced SB 497 to provide general purpose revenues for 21.3 FTE ADA positions at risk of layoff due to loss of federal funds. The session ended before action was taken on the bill, but these identified positions became the basis for a request to Senator Herb Kohl in May 2008 for federal fiscal year 2009 funds. This funding was included in the 2009 omnibus federal budget legislation and awarded to the Department of Administration, who in turn sub granted the funds to the District Attorney offices to support six positions in Milwaukee and one each in Dane and Outagamie counties. The Joint Committee on Finance approved the creation of the positions on October 6, 2009.

Dane County General Caseload

Under the federal fiscal year 2009 Byrne/JAG program, four entities in Dane County were awarded a total allocation of \$204,905 and elected to allocate twenty percent of the grant to the district attorney office to fund a 0.5 FTE project position for one year. The position would handle a general prosecution caseload focusing on initial appearances. The Joint Committee on Finance approved the creation of the position on July 8, 2010.

Milwaukee County Drug Diversion

The Office of Justice Assistance received \$18.8 million in American Recovery and Reinvestment Act funds from the Byrne/JAG program. Funding was allocated to several program areas, including multijurisdictional anti-drug law enforcement task forces. Milwaukee County received funding for 2.0 FTE ADA positions, with \$262,350 directed to a permanent position and the remaining funding of \$93,825 to the 1.0 FTE ADA that focuses on drug diversion cases. The Joint Committee on Finance approved the creation of the position on February 26, 2010.

Milwaukee County Restorative Justice

Restorative justice is an approach to the criminal justice process that engages the offender, victim and community to hold the offender accountable and ensure public

safety. The Milwaukee Board of School Directors provides an annual allocation of \$96,000 to support a restorative justice prosecutor, who works from the juvenile division of the Milwaukee County District Attorney office. The source of funds is a federal grant entitled Safe Schools/Healthy Students and pairs Milwaukee Public Schools with several external partners, including the district attorney office, Milwaukee County Children's Court, Milwaukee Police Department, Milwaukee Fire Department, University of Wisconsin-Milwaukee, Center for Neighborhood Enterprise and Milwaukee County Behavioral Health WrapAround. According to its website, the Safe Schools/Healthy Students initiative works to strengthen, enhance and expand the collaborative relationship between community-based organizations and MPS. The Joint Committee on Finance approved the creation of the position on June 6, 2008.

Milwaukee County Domestic Violence

The domestic violence unit in Milwaukee County has 10.0 FTE prosecutors with the majority of positions funded by federal grants. Three permanent prosecutor positions receive funding from the U.S. Department of Justice Office of Violence Against Women and 4.0 FTE positions are funded by the Kohl grant described above. In September 2010 Milwaukee County received a supplement grant of \$871,417 to extend the three permanent positions through June 30, 2013. In May 2011 they received permission from the Office of Violence Against Women to reallocate \$85,903 of this funding to support the 4.0 FTE prosecutors when funding is exhausted from the Kohl grant. Milwaukee County estimates this amount will support the positions for approximately three months. As the current position authority exists under s. 20.475(1)(k), this request would create four new positions under s. 20.475(1)(h) to expend the Violence Against Women funds.

ANALYSIS:

Milwaukee, Dane and Outagamie Counties Congressional Selected Award (Kohl grant)

The 8.0 FTE ADA project positions funded by the Kohl grant were originally approved through June 30, 2011, or approximately two years. However, due to under spending of the grant, the District Attorneys are projecting approximately \$188,000 will remain as of the project end date. This under spending is due to furlough days required over the last two years and delays in hiring in two counties. In order to fully utilize all federal funds awarded, a grant adjustment was requested from the federal Office of Justice Programs to extend the project period to December 31, 2011, which was approved May 13, 2011. At this time the funding is projected to be exhausted sometime in November, but that could change if vacancies occur or other changes affect the rate of expenditure.

These prosecutors have had a positive impact in their almost two years of existence and the ability to retain the positions for up to an additional six months will benefit the citizens of their counties. The following is an example of what is accomplished in six months by the prosecutors (data from progress report for period of July 1 to December 31, 2010):

- Milwaukee County Domestic Violence ADAs: received 5,075 cases and accepted 1,785 for prosecution. Experienced conviction rate of 70 percent for felonies and 43 percent for misdemeanors.
- Outagamie County Neighborhood ADA: received 301 cases for review and created a Safe Parks Policy related to all referrals occurring within the city parks in the target neighborhood in the City of Appleton.
- Dane County Domestic Violence ADA: received 243 cases, 38 percent with a child victim/witness and conducted training for the Dane County Sheriffs Office on child victim/witness issues.
- Milwaukee County Community Prosecutor ADAs: attended 195 community meetings, participated in 276 police ride-along/gang sweeps and received 272 cases for review.

Dane County General Caseload

The four law enforcement entities in Dane County that received a local Byrne/JAG allocation intended to encourage collaboration among the agencies through the support of an additional ADA position. The \$40,980 grant to the District Attorney office was intended to support a half time ADA for one year. However, due to a delay in hiring, there will be unspent funds as of June 30, 2011. The four entities agreed to extend the project period to September 30, 2011 to fully utilize these federal funds.

The district attorney office has utilized the half time position to handle afternoon initial appearance hearings, which in turn frees up a more experienced attorney to handle a broader caseload. A full-time attorney with a general caseload may be responsible for 400 cases at a time for which they have primary responsibility. By allowing a more experienced attorney to handle these cases and using the grant funded position to handle initial appearances, resources are maximized and efficiencies may be gained. The half time position may cover between fifteen and forty initial appearances each day. If this position is not extended, Dane County will need to hire a special prosecutor to handle initial appearances or pull an ADA from other casework.

Milwaukee County Drug Diversion

The ARRA funding received by Milwaukee County for drug law enforcement funded two ADA positions -- 1.0 FTE permanent position for three years and 1.0 FTE project position for one year. However, the project is under spending its budget due to lower salary and fringe benefit costs than originally budgeted and one incumbent waiving state health insurance. The Office of Justice Assistance approved Milwaukee County's request to modify the project budget and fund the project position through May 31, 2012.

The project position has four areas of responsibility for drug overdose and pharmaceutical diversion cases: prosecution and investigative support, training and development, legislative initiatives and public outreach. Since the position was created, the ADA has reviewed over 100 cases which include fatal and non-fatal drug

overdoses, involvement of health care workers diverting pills and alleged drug trafficking of heroin and methadone. Accomplishments include meeting with representatives of the Milwaukee County Medical Association who agreed to work on a "best practices" guide for members, developing an intelligence collection database, creating a chart illustrating the companion charges and penalties for assorted prescription drug related crimes for use by prosecutors and law enforcement, developing a standardized form for law enforcement and prosecutors to use with the medical examiner in fatal overdose cases to assist in determining whether the controlled substance was a substantial factor in the death, and obtaining convictions in numerous cases, including a homicide.

Milwaukee County Restorative Justice

In 2007 the Milwaukee Public Schools were notified of their receipt of an \$8.5 million Safe Schools/Healthy Students grant, to be spent over a four-year period (through the 2010-11 school year). The grant was intended to develop community-wide approaches to create safe, respectful, drug-free schools while promoting social skills and healthy childhood development. An integral part of the grant is restorative justice programs at the thirty schools selected to be a part of the initiative. The requested position works as the Restorative Justice Juvenile Prosecutor with the following specific responsibilities: reduce truancy; prosecute cases against parents of chronically truant children who fail to comply with mandatory counseling; serve as a liaison between MPS, the juvenile courts and district attorney office; implement restorative justice programs to reduce the number of MPS students referred to juvenile court for offenses committed on school grounds; and promote the safety of MPS school children. The project is currently under budget and received approval through an intergovernmental agreement to extend the position to August 30, 2011. This is not new funding, but instead allows the program to utilize as much of the original funding as possible.

An interim tracking report found the following results from both of the restorative justice prosecutors (the other prosecutor works from the criminal division): ten social workers, trained by the prosecutors, expanded the restorative practices throughout the district and during the 2009-10 academic year 1,267 staff members were trained and 695 students received services through restorative practices. In addition, 284 sanctions were avoided as a result of restorative justice circles. Marquette Law School students also received training from the prosecutors and were placed in schools to facilitate restorative practices circles with students suffering from behavioral and truancy issues.

Milwaukee County Domestic Violence

In January 2007, the Joint Committee on Finance approved the creation of 3.0 FTE ADAs funded by the Office of Violence Against Women. These positions are now permanent and are funded through June 30, 2013. Four prosecutors funded by the Kohl grant were created in October 2009, and could be funded from the Kohl grant through the fall until that funding is exhausted. At that time, Milwaukee County would move the positions to the Office of Violence Against Women funding, which is

projected to last for approximately three months. This request for position authority, from October 1, 2011 through December 31, 2011, is an attempt to retain these important prosecutor positions and fully utilize all available federal funds. If additional funding becomes available, Milwaukee County will seek an extension at a later date.

The domestic violence unit in the Milwaukee County District Attorney office has evolved to become an integral part of a comprehensive, multi-disciplinary, coordinated response to domestic violence in the community. The unit works with non-profit, non-governmental agencies from time of arrest through post disposition services. In 2010, the unit trained 35 separate classes at the Milwaukee Police Department Training Academy (approximately 2,000 officers) on domestic protocols and as a result the number of prosecutable arrests increased from 22 percent in 2009 to 34 percent of arrests in 2010. All domestic violence cases are prosecuted in three dedicated courts by ADAs with special training. The loss of four prosecutors would increase the per attorney caseload from 350 to almost 600 each year.

RECOMMENDATION:

Modify the request to create 4.0 FTE ADA project positions in Milwaukee County for domestic violence prosecutors from October 1, 2011 through January 31, 2012 (instead of December 31, 2011 as requested) based on updated budget projections to ensure the federal funds approved for this purpose are fully utilized.

Modify the request to extend a 0.5 FTE project position in Dane County to September 30, 2011 instead of December 31, 2011 as requested. The law enforcement agencies providing the funding for the position have agreed to the extension to September 30, 2011 at this time.

County	Grant to be Extended	FTE	Recommended End Date
Dane	Justice Assistance Grant Local	0.50	September 30, 2011
Milwaukee	Justice Assistance Grant/Drug Diversion	1.00	May 31, 2012
Milwaukee	Milwaukee Public Schools Restorative Justice	1.00	August 30, 2011
Milwaukee, Dane, Outagamie	Justice Assistance Grant/Congressional Selected Award	8.00	December 31, 2011



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

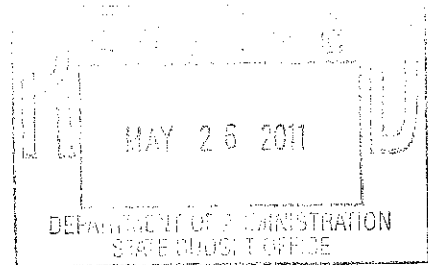
MIKE HUEBSCH
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: May 25, 2011

TO: Brian Hayes, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, Director
State Prosecutors Office



SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: MILWAUKEE
DISTRICT ATTORNEY'S OFFICE**

On behalf of the Milwaukee County District Attorney's Office, I am submitting the attached request to extend position authorization of 4.0 FTE program revenue project positions in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

DEPARTMENT OF ADMINISTRATION REQUEST UNDER s.16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration (DOA) requests, under s.16.505, the extension of current position authorization of 4.0 FTE Program Revenue (PR) assistant district attorney (ADA) project positions in BC79 from June 30, 2011, to December 31, 2011. The four positions currently are funded by a Congressional award referred to as the Senator Herb Kohl earmark. Position authority expires June 30, 2011; however, DOA anticipates that unspent funding is sufficient to extend the positions until approximately December 31, 2011. The positions will continue to be funded via appropriation s.20.475(1)(k).

II. BACKGROUND

As federal funding sources have become more unstable in recent years, more attention has been directed toward ADA positions funded in this manner. Near the end of the 2007 legislative session, State Senator Jim Sullivan introduced SB 497 to provide general purpose revenue funding for 21.3 FTE ADA positions at risk of losing federal funding. The session ended prior to any action on the bill; however, the 21.3 positions became the basis for a request to U.S. Senator Herb Kohl for federal fiscal year 2009 funds to support these positions. The federal fiscal year 2009 omnibus budget bill was signed by President Obama in March, 2009, and included \$1.2 million to the Wisconsin Department of Administration to support ADA positions in Milwaukee County and other counties that had lost funds or were at risk of layoffs.

Effective January 1, 2007, Milwaukee County received authorization from the Joint Committee on Finance for three ADAs funded by the United States Department of Justice, Office on Violence Against Women (BC70). Position authority was granted through December 31, 2008. In September, 2008, a supplemental grant was awarded to the Milwaukee DA's Office in order to continue the project until at least June 30, 2011. Subsequently, in September, 2010, Milwaukee County received a supplemental two-year grant to continue the VAWA project until June 30, 2013. In May, 2011, the Milwaukee District Attorney's Office received permission from the Office on Violence Against Women (OVW) to revise the budget to use \$85,903 to provide approximately three months of funding, from October 1, 2011, to December 31, 2011, for the four domestic violence (DV) prosecutors currently funded by the Kohl earmark (BC79) in case the Kohl earmark funding is depleted earlier than expected. If funding is provided through OVW, the positions would be funded via appropriation s.20.475(1)(h). In the autumn of 2011, the Milwaukee DA's Office hopes to submit another request to extend position authority for the four DV prosecutors into 2012.

III. ANALYSIS

From the time the application for federal funds was made and their approval, many of the 21.3 FTE positions that had been identified as at risk received alternative sources of funding. Following discussions with affected DAs, DOA applied to the U.S. DOJ to fund 8.0 FTE positions, including the four DV prosecutors in Milwaukee, from the Congressional award; and, funding was projected to be spent by June 30, 2011. The counties approved to receive these funds were Dane, Milwaukee, and Outagamie.

The Joint Committee on Finance granted position authority for the eight positions through June 30, 2011. For the following reasons, the funding was expended at a slower rate than anticipated: due to Wisconsin's budget deficit, all State employees have been required to serve unpaid furlough days in the current biennium; and, two counties encountered delays in hiring prosecutors. It is anticipated that the remaining funding could extend all eight ADA positions into December, 2011; however, funds may be exhausted prior to that date.

The four Milwaukee DV positions work with not-for-profit, non-governmental agencies from the time of a domestic violence arrest through post disposition services to address victim, offender, and community safety needs. The DV Unit works closely with police agencies throughout Milwaukee County, and helped develop an investigative protocol in DV incidents. The DV ADAs participated in training approximately 2,000 police officers, the success of which is demonstrated in improved DV investigations and a dramatic increase in the number of prosecutable arrests.

All DV cases are prosecuted in the three dedicated DV courts by ADAs who have received special training in the dynamics of DV. The most serious cases are handled in a vertical manner, where the victim works with the same prosecutor from the charging conference through trial and disposition.

The four DV positions funded by the Congressional award are in furtherance of the State's policy to fight domestic violence.

IV. FISCAL ANALYSIS

The savings that have been recognized due to unpaid furlough days and the delay in filling ADA positions in two counties are sufficient to fund the 8.0 FTE positions, including the four DV ADAs, until approximately December 31, 2011. The program revenue appropriation, s.20.475(1)(k), is continuing and will be re-estimated based on actual experience. Once the Kohl earmark is exhausted, funding for the four Milwaukee DV ADAs will be provided via the OVW grant, which is program revenue appropriation s.20.475(1)(h). It is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The source of funds is the Congressionally Selected Award in the federal fiscal year 2009 omnibus budget bill. The federal government has approved DOA's grant adjustment notice requesting extension of the 8.0 FTE ADAs, including the four Milwaukee DV ADAs, through December 31, 2011, in order to use the remaining funds. Once Kohl earmark funds are exhausted, funding for the four Milwaukee DV ADAs will be provided via the OVW grant, which is program revenue appropriation s.20.475(1)(h), which is continuing and will be re-estimated based on actual experience.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of continuing the positions requested in the Milwaukee DA Office. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need corresponding to all duties of a DA Office, and is not specific to particular types of activities or caseloads such as those covered by this funding. As these positions currently exist, no change in the needs analysis is shown if the position authority is extended for the positions.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Many counties in Wisconsin experience domestic violence activity; however, the intent of the funds is to continue prosecutor positions in counties that had lost positions due to loss of funding or positions that were at risk of being laid off. Upon expiration of the Kohl earmark funds, the OVW funds have been designated for the four Milwaukee County DV prosecutors.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

Milwaukee County – Extension of Domestic Violence Prosecutors

s.16.505 request

May 25, 2011

The intent of the funding authorized in the 2009 omnibus budget bill was to continue prosecutor positions in counties that had lost positions due to loss of funding or positions that were at risk of layoff. In addition, the Office on Violence Against Women authorized the Milwaukee DA's Office to revise the supplemental budget to provide approximately three months of funding for the four DV prosecutors.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The decision to give this need a higher priority than other competing needs rests with the intent of Sen. Kohl in requesting this specific funding in the 2009 omnibus budget bill. The OVW agreed with Milwaukee's request to revise its supplemental budget in order to secure approximately three months of funding for four DV prosecutors.

Milwaukee County – Extension of Domestic Violence Prosecutors
s.16.505 request
May 25, 2011

Table 1: DA Office Caseload Analysis, December 22, 2010

DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved		DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	1.12	1.12		Marathon	11.00	1.72	1.72
Ashland	1.75	0.53	0.53		Marinette	2.50	0.10	0.10
Barron	3.00	1.40	1.40		Marquette	1.25	0.55	0.55
Bayfield	1.00	0.49	0.49		Milwaukee	128.50	-11.35	-11.35
Brown	12.20	6.49	6.49		Monroe	3.00	3.19	3.19
Buffalo	1.00	0.02	0.02		Oconto	1.50	0.85	0.85
Burnett	1.25	0.88	0.88		Oneida	2.65	0.57	0.57
Calumet	2.00	0.37	0.37		Outagamie	11.90	3.48	3.48
Chippewa	5.00	0.97	0.97		Ozaukee	3.00	1.20	1.20
Clark	2.00	0.30	0.30		Pepin	0.80	-0.25	-0.25
Columbia	4.50	2.14	2.14		Pierce	2.50	-0.27	-0.27
Crawford	1.00	-0.30	-0.30		Polk	3.25	0.79	0.79
Dane	31.10	6.23	6.23		Portage	4.00	1.98	1.98
Dodge	4.00	2.27	2.27		Price	1.00	0.25	0.25
Door	2.00	0.31	0.31		Racine	18.00	7.96	7.96
Douglas	3.50	0.98	0.98		Richland	1.80	0.12	0.12
Dunn	3.00	1.31	1.31		Rock	14.00	5.02	5.02
Eau Claire	8.00	4.29	4.29		Rusk	1.50	-0.18	-0.18
Florence	0.50	0.12	0.12		Saint Croix	6.95	0.16	0.16
Fond du Lac	7.40	1.96	1.96		Sauk	4.50	2.08	2.08
Forest	1.00	0.59	0.59		Sawyer	2.00	1.12	1.12
Grant	2.00	1.51	1.51		Shaw/Men	3.00	1.79	1.79
Green	2.00	0.93	0.93		Sheboygan	7.50	5.11	5.11
Green Lake	1.75	0.37	0.37		Taylor	1.00	0.14	0.14
Iowa	1.75	0.66	0.66		Trempealeau	2.00	0.33	0.33
Iron	1.00	-0.18	-0.18		Vernon	2.00	-0.68	-0.68
Jackson	2.00	0.62	0.62		Vilas	2.00	0.53	0.53
Jefferson	5.30	2.77	2.77		Walworth	5.00	2.32	2.32
Juneau	2.50	0.92	0.92		Washburn	1.25	0.53	0.53
Kenosha	16.00	3.95	3.95		Washington	5.00	2.39	2.39
Kewaunee	1.50	-0.36	-0.36		Waukesha	16.50	4.38	4.38
La Crosse	8.00	2.89	2.89		Waupaca	3.50	0.80	0.80
Lafayette	1.00	0.03	0.03		Waushara	1.75	0.28	0.28
Langlade	1.50	1.83	1.83		Winnebago	10.40	4.91	4.91
Lincoln	2.00	1.44	1.44		Wood	4.00	4.90	4.90
Manitowoc	5.00	1.77	1.77					

Milwaukee County – Extension of Domestic Violence Prosecutors
s.16.505 request
May 25, 2011

*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) The 1.0 PR ADA FTE for anti-drug cases in St. Croix is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.
- 4) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
 - b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 6) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 7) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 8) The 0.75 PR FTE in Green Lake (0.25 FTE) that also serves Marquette (0.25 FTE) and Waushara (0.25 FTE) is divided by the FTE shown in the parentheses.



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM • District Attorney

Chief Deputy Kent L. Lovern, Deputies James J. Martin, Patrick J. Kenney, Lovell Johnson, Jr., Jeffrey J. Altenburg

May 12, 2011

Mr. Philip Werner, Director
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869

Dear Mr. Werner:

We are requesting that you seek legislative authority to extend four positions of assistant district attorney in Milwaukee County, currently funded by the BC79 Senator Kohl earmark, to December 31, 2011. These four positions should be assigned to the BC70 federal Violence Against Women Act (VAWA) grant as of October 1, 2011.

The BC79 Senator Kohl earmark in the 2009 federal budget funds six positions of assistant district attorney in Milwaukee County. Four of the positions are dedicated to domestic violence prosecutions, and two positions are assigned to community prosecution in the first and third Milwaukee police districts. Legislative authority for the BC79 positions ends on June 30, 2011, but you have advised me that DOA plans to seek legislative authority to extend the positions to September 30, 2011, when the federal funds are predicted to run out.

In September 2010, Milwaukee County received a supplemental, two-year grant of \$871,417 to continue the existing BC70 federal VAWA project until June 30, 2013. Earlier this month, we received permission from the Office on Violence Against Women (OVW) to revise the supplemental budget of \$871,417 to use \$85,903 to provide approximately three months of funding, from about October 1, 2011, to December 31, 2011, for the four domestic violence prosecutors currently funded by the BC79 Senator Kohl earmark. These funds became available primarily because the Department of Corrections no longer assigns a probation and parole officer to the project full-time.

Enclosed are copies of the grant adjustment note and revised budget submitted to OVW and e-mails from Suzanne Pugliese, the OVW grant manager, approving the changes.

We anticipate submitting another request later this year to extend legislative authority for these four domestic violence prosecutors into 2012. The current round of funding for the BC70 project is scheduled to end on June 30, 2011, but we are running a substantial surplus, and we anticipate that our community partners will agree to use

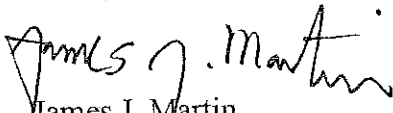
William J. Molitor
Donald S. Jackson
Gale G. Shaborn
Gary D. Mahkorn
David Robles
Cynthia G. Brown
Norman A. Gahn
Steven H. Glamm
Mark S. Williams
John M. Stolber
Thomas L. Potter
David Felss
Rayann Chandler Szydlinski
Carole Manchester
Kenneth R. Berg
Warren D. Zier
Timothy J. Colter
Carol Berry Crowley
Steven V. Licia
Brad Voxpahl
Paul Tiffin
Miriam S. Falk
Phyllis M. DeCarvalho
Dennis P. Murphy
Bruce J. Landgraf
Dennis J. Stingl
David M. Lerman
Janet C. Protasiewicz
DeAnn L. Heard
Patricia A. McGowan
Irene E. Parthum
Karen A. Loebel
Ronald S. Dague
Lori S. Kombum
Karine O'Byrne
Maria Dorsey
James W. Frisch
Kurt B. Benkley
James C. Griffin
William P. Pipp
Joanne L. Hardtke
Christopher A. Liegel
Megan P. Carmody
Laura A. Crivello
Shawn Pompe
Kevin R. Shomin
Beth D. Zirgibel
Karen A. Vespalec
Mark A. Sanders
Paul C. Dedinsky
David T. Malone
Kelly L. Hedge
Rachael Stensel
Mary M. Sowiński
Kathryn K. Sarner
Daniel J. Gabler
Sara P. Scullen
T. Christopher Dee
Jacob D. Corr
Joy Hammond
Katharine F. Kucharski
Elisabeth Mueller
Grant I. Huebner
Stephan Eduard Nollen
Michelle Ackerman Havas
Jennifer K. Rhodes
Claire Starling
Zach Whitney
Rebecca A. Torderson
Matthew J. Tolson
Kathryn L. Childs
Carah Helwig
Anthony White
Antoni Apollo
Nicole D. Loeb
Erin Karshen
Lucy Kronforst
Michael J. Lonski
Paul M. Hauer
Sara Beth Lewis
Aaron E. Hall
Jenni Spies
David M. Stegall
Amanda Kirdewski
Benjamin Wesson
Renee Heintz
Karl P. Hayes
Jessica Zetley
Holly L. Bunch
Jacob A. Manian
Heather M. Placek
Megan M. Williamson
Dewey B. Martin
Sarah Eberle
Christopher J. Ladwig
Kimberly D. Sikorski
Nicole J. Sheldon
Dax C. Odom
Maureen A. Atwell
Christopher W. Rawsthorne
Rachel E. Sattler
Jennifer L. Hanson
Patricia I. Daugherty
Marissa L. Santiago
Meghan C. Lindberg
Jon Neuleib
Ann M. Romero
Brian Sammons
Peter M. Tempels
Matthew G. Puthukulam
Jeremiah C. Van Hecke
Edward L. Wright
Randy Sitzberger
Karyn E. Behling
Kristin Shimabuku
Douglas R. Martin
Kasey M. Deiss
Andrew A. Hill
Nicolas J. Heitman
Chad Wozniak
Estee E. Hart
Kristin M. Schrank
Claire E. Trinarco
Francesco G. Mineo
Jane Christopherson
Tyrone M. St. Junior
Hanna R. Kolberg
Joshua M. Matthy
Joan O. King

Mr. Philip Werner
May 12, 2011
Page 2

some of the surplus funds to provide additional funding to continue these four positions into 2012. That decision should be made by early August 2011, after we file our second quarter 2011 fiscal report with OVW.

Thank you for your consideration. If you need additional information, please contact me at 414-278-5369 or at Jim.Martin@da.wi.gov.

Sincerely,


James J. Martin
Deputy District Attorney

Martin, James J - DDA

From: Kenney, Pat - DDA
Sent: Tuesday, May 03, 2011 12:32 PM
To: Martin, James J - DDA
Subject: FW: 2006-WE-AX-0072
See below. I think we are set.

From: Pugliese, Suzanne (JMD) [mailto:Suzanne.Pugliese@usdoj.gov]
Sent: Tuesday, May 03, 2011 11:01 AM
To: Kenney, Pat - DDA
Subject: RE: 2006-WE-AX-0072

Hi Mr. Kenney,

I hope all is well. When I previously reviewed your budget modification request, I did review the attached justification as well. I felt that it was not changing the scope of your project. The project was being expanded to provide services, which is still part of your project.

When I mentioned in my below email that you have my permission to make the necessary budget modification changes, that's what I approved, because you submitted a budget modification GAN, not a change project scope GAN. If at any time you need to change the scope of your project, it is not a problem, and you should submit a change project scope GAN, separate from the budget modification GAN, if a budget modification GAN is needed.

My apologies to you and the project partners, if my email was confusing. You may move forward with the requested changes.

Thank you,

Sue Pugliese
Program Specialist
DOJ/Office on Violence Against Women
145 N. Street, NE, 10th floor
Washington, D.C. 20530
Telephone: (202) 305-1660
Fax: (202) 514-7045
Email: Suzanne.Pugliese@usdoj.gov

www.ovw.usdoj.gov

Please provide a corresponding grant award number for all grant inquiries

From: Kenney, Pat - DDA [mailto:Pat.Kenney@da.wi.gov]
Sent: Friday, April 29, 2011 4:23 PM
To: Pugliese, Suzanne (JMD)
Subject: RE: 2006-WE-AX-0072

Suzanne, Thank you for your response to my inquiry. My office and our community partners appreciate that the GAN was not needed because of the minor budget adjustment. However, we wanted to explain the modifications because they do constitute a fairly significant change in the scope of the grant. We were not just focused on the financial implications but your overall program oversight. I have again attached our GAN if you wish to review further but I just wanted you to appreciate that we are trying to be very cautious about using the money in compliance with your office. I do believe that we have crossed all our "t's" and dotted all our "i's" (maybe twice!) but our partners would feel more comfortable going forward knowing that you approve the program changes. Please let us know. Thank you very much, Deputy District Attorney Patrick J. Kenney (414) 278-2935

From: Pugliese, Suzanne (JMD) [mailto:Suzanne.Pugliese@usdoj.gov]
Sent: Tuesday, March 29, 2011 11:52 AM
To: Kenney, Pat - DDA
Subject: RE: 2006-WE-AX-0072
Importance: High

Good Afternoon Mr. Kenney,

I denied the GAN, not the financial manager. You did not need to submit the budget modification GAN, because the cumulative change was less than 10% of already approved budget categories. You do not need my approval to make that change, you only need to keep count of how many budget modification changes you are making, that are cumulative less than 10% of already approved budget categories. If the continued budget modification changes goes over the 10%, then you have to submit a budget modification GAN. Once that GAN is approved, then the 10% cumulative change starts all over again. This is known as the "10% Rule". My apologies to you if there was any confusion. You have my permission to make the necessary budget changes, as documented in the denied budget modification GAN.

I have copied the link for your reference from the OJP Financial Guide, which references adjustments to awards, and when to submit a GAN. I hope this helps.

<http://www.ojp.usdoj.gov/financialguide/part3/part3chap5.htm>

Thank you,

Sue Pugliese
 Program Specialist
 DOJ/Office on Violence Against Women
 145 N. Street NE, Suite 10W.511
 Washington, DC 20530
 Telephone: (202) 305-1660
 Fax: (202) 514-5818
 Suzanne.Pugliese@usdoj.gov
 www.ovw.usdoj.gov

Please provide your corresponding grant award number on all emails

Grant Adjustment Note for 2006-WE-AX-0072

The Milwaukee County District Attorney's Office Domestic Violence Unit (DV Unit) has evolved to become an integral part of a comprehensive, multi disciplinary, coordinated response to domestic violence in our community. The DV Unit works with not-for-profit, non-governmental agencies from the time of a domestic violence arrest through post disposition services to address victim, offender and community safety needs. In our more traditional role as prosecutors, we have provided training to police agencies and helped establish domestic violence investigative protocols to foster improved police practices. Finally, to address a chronic problem with victim intimidation, the District Attorney's Office has provided new locally funded resources to investigate offenders who threaten victims and witnesses.

Our Programs

The DV Unit is co-located with advocates from the Sojourner Family Peace Center (SFPC). This not-for-profit, non-governmental agency provides social service intervention and support for domestic violence victims and their families. Sojourner operates an emergency 24-hour domestic violence shelter for woman and children. Sojourner has emergency food vouchers and operates several support programs including individual counseling, job readiness training, parenting classes and support group therapy. They also provide safety planning and assistance with the civil restraining order process. The original budget provided funding for four SFPC advocates. The second round of funding reduced the funding from four to three advocates. However, we are currently funding four SFPC advocates through June 30, 2011, because of a substantial surplus in SFPC's portion of the contractual services budget resulting from vacancy and turnover savings because for significant periods only two or three SFPC advocates were assigned to the project.

The DV Unit has established a close working relationship with police agencies throughout Milwaukee County. Although Milwaukee County has 20 different law enforcement agencies that might investigate domestic violence cases, over 80% of the cases originate within the City of Milwaukee, the largest municipality in our county. In 2009-2010, the DV Unit helped develop an investigative protocol in domestic violence incidents and grant funds enabled the DV Unit attorneys to participate in training approximately 2,000 police officers. This included 35 separate classes at the Milwaukee Police Department Training Academy. The new protocol and law enforcement trainings improved domestic violence investigations, leading to a dramatic increase in the number of prosecutable arrests. In 2009, there were 2,090 issued cases out of 9,718 arrests. In 2010, there were 10,215 arrests and 3,456 new criminal cases, an increase of 65%.

Although victim cooperation remains problematic, the District Attorney's Office has devoted locally refunded resources to investigate witness intimidation. Domestic violence cases have been a major focus of the newly formed District Attorney's Office Witness Protection Unit. The Witness Protection Unit has hired a former domestic violence advocate from SFPC as an investigator. Investigative methods have included interviews, surveillance and monitoring phone calls from the Milwaukee County Jail. These investigations have uncovered dozens of incidents of witness threats and intimidation leading to the development of additional evidence to promote offender accountability.

All domestic violence cases are prosecuted in the three dedicated domestic violence courts by assistant district attorneys who have received special training in the dynamics of domestic violence. The most serious cases are handled vertically, where the victim works with the same prosecutor from charging conference through trial and disposition.

Milwaukee's approach to domestic violence does not end at disposition. The Department of Corrections (DOC) makes referrals to effective batterers intervention programs operated by SFPC and the Alma Center, another not-for-profit non-governmental agency. The domestic violence courts have weekly probation reviews where courts monitor offender cooperation.

Serious offenders who enter the prison system for domestic violence convictions are also targeted. The District Attorney's Office, the DOC and the Alma Center developed an innovative partnership to identify violent offenders approaching their release date from prison to the community. These offenders and their victims are targets for the Domestic Violence Offender Reentry Program which provides intense services and monitoring of offenders released from prison and engages victims in safety planning.

The Problem and Need for GAN

The nucleus of our community effort is the 10 assistant district attorneys assigned to the DV Unit. These specially trained attorneys exclusively handle domestic violence cases. They are primarily funded by federal resources, including 3 positions in this grant. However, 4 positions are funded by a federal earmark which will end on or about September 30, 2011. Due to the success of our law enforcement collaboration, the average domestic violence annual case load has increased from 210 to 350. Although the burden of 350 cases per attorney per year is substantial, the loss of 4 positions would deal a crippling blow to our domestic violence programs. Without these 4 positions, annual case loads would approach 600.

The GAN proposed here would enable our office to continue at present staffing levels through at least December 31, 2011, comply with grant guidelines, and provide additional resources to an underserved section of our community by expanding Sojourner's work to a new City of Milwaukee Police District. We also are projecting a budget surplus when the current round of funding ends on June 30, 2011. Once we know the amount of the surplus later this summer, we will file another GAN to authorize using surplus funds to continue the existing legal staffing level in the DV Unit into 2012.

The budget proposed under this GAN maintains funding levels for the ALMA Center and increases funding for SFPC and the District Attorney's Office DV Unit. It eliminates funding for the DOC after the current grant funding expires and eliminates funding for the domestic violence liaison in the Milwaukee Police Department (MPD). The DOC will transfer their work with the ALMA Center from a dedicated agent to a group of trained agents and continue to identify appropriate clients for the Re-Entry Program. After intense lobbying, the MPD domestic violence liaison position is now funded with local tax dollars within the city budget. Unfortunately, the State of Wisconsin which funds prosecution positions has made it clear that there will be no new state funded positions in the next biennial budget commencing July 1, 2011.

In addition to preserving the 4 assistant district attorney prosecutors currently funded by the Senator Kohl earmark until at least December 31, 2011, the new proposal budget will, in part, fund a new initiative which seeks to expand a partnership between the MPD, SFPC and the District Attorney's

Office. The reallocated funds will expand the SFPC Community Domestic Abuse Advocacy Program (described in our original application) to the area served by the MPD 4th District Station, an underserved section of our community.

According to the United States Census Bureau 2000, the District 4 Police Station contains almost 16% (94,118) of the population of the City of Milwaukee. Over 40% of the population is under the age of 25 and 55% are minorities (non-white Hispanic and non-white not Hispanic). Over one third of the adults (over 16 years of age) are unemployed.

Although all of the MPD districts respond to and deal with the issue of domestic violence, the first 7 months of 2010 saw an unprecedented increase in domestic violence incidents within District 4. By the end of July 2010, District 4 had received 715 domestic violence related calls for service. Additionally, the data around the most recent homicides that have occurred in District 4 have also led to serious concerns. Seventy five percent (9 of the 12) of their most recent homicides were domestic violence related. More specifically, when comparing data from 2009 to 2010 through the first 7 months of this year, District 4 has:

- Experienced an overall increase of 12.78% for the number of domestic violence incidents that were reported to police
- Experienced a 15.11% increase in domestic violence battery incidents
- Experienced a 66.67% increase in domestic violence substantial battery incidents
- Experienced an 8.15 % increase in domestic violence disorderly conduct incidents

As a result of these statistics, the MPD has sought an expansion of SFPC services within District 4. At the present time, SFPC is attempting to provide some services by having advocates assigned to other District Stations work part time at District 4. However, all of our community partners would benefit greatly from having one full time advocate dedicated to the needs and work of the District 4 Police Station. In our amended budget, this position would be funded for 24 months to fully comply with grant guidelines.

**Budget Narrative
And
Budget Detail Worksheet**

Revised March 11, 2011

Background

On September 1, 2006, Milwaukee County received a grant of \$1,393,225 from the Office on Violence Against Women (OVW), grant number 2006-WE-AX-0072, under the Grants to Encourage Arrests and Enforcement of Protection Orders program; to strengthen prosecution and victim safety in domestic violence and intimate partner sexual assault and stalking cases in Milwaukee County, Wisconsin. The district attorney's office was the lead department for Milwaukee County.

The grant award was for a two-year period, from July 1, 2006, to June 30, 2008. However, the district attorney's office did not receive the award until September 2006, the Wisconsin Legislature did not create the three new assistant district attorney positions authorized by the award until January 2007, the positions authorized in the grant for the district attorney's community partners – the Task Force on Family Violence, Sojourner Truth House, the Alma Center, and the Wisconsin Department of Corrections – were not filled until April or May 2007, and the Milwaukee County Board of Supervisors did not create a domestic violence investigator and coordinator position authorized in the district attorney's office until December 2007. Therefore, the end date of the grant was extended to June 30, 2009.

In September 2008, Milwaukee County received a supplemental, two-year grant of \$1,110,000 from OVW to continue the existing project until June 30, 2011. On February 1, 2009, the Task Force on Family Violence and Sojourner Truth House, two of the project community partners, merged to form the Sojourner Family Peace Center.

In September 2010, Milwaukee County received a supplemental, two-year grant of \$871,417, under the fiscal year 2010 Community-Defined Solutions to Violence Against Women program, to continue the existing project until June 30, 2013. This revised budget provides two years of funding for the three project assistant district attorneys and for a new position of victim advocate, employed by the Sojourner Family Peace Center, to serve victims of domestic violence in the Milwaukee 4th police district; one year of funding to continue services provided by three Sojourner Family Peace Center victim advocates and one Alma Center batterer intervention counselor, and approximately three months of funding for four positions of assistant district attorney in the domestic violence unit, positions that are currently funded by a Senator Herbert Kohl earmark in the 2009 federal budget that expires on or about September 30, 2011. The original budget included funding for two state Department of Corrections probation and parole agents and a domestic violence liaison in the Milwaukee Police Department, but those components have been eliminated in the revised budget for the reasons explained in the "Grant Adjustment Note" that accompanies this revision.

A. Personnel - List each position by title and name of employee, if available. Show the annual salary rate and the percentage of time to be devoted to the project. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

Continuation Funding – Approx. July 1, 2011, to June 30, 2013

Name/Position	Computation	Cost
1. Assistant District Attorney Rachel Sattler or successor	\$53,500/yr. x 100% x 2 yrs.	\$107,000
2. Assistant District Attorney Matthew Puthukulam or successor	\$53,500/yr. x 100% x 2 yrs.	\$107,000
3. Assistant District Attorney Nicolas Heitman or successor	\$51,000/yr. x 100% x 2 yrs.	\$102,000

The assistant district attorneys are state employees in the Milwaukee County district attorney's office. The salaries for positions 1, 2 and 3 are based on the projected salaries of the current position incumbents: Rachel Sattler, Matthew Puthukulam, and Nicolas Heitman, or their successors. All of the positions are dedicated exclusively to grant activities. Assistant district attorney position number 1 investigates and prosecutes stalking; intimate partner sexual assault cases; elderly, disabled and vulnerable domestic violence victim cases; and selected felony and misdemeanor domestic violence cases. Assistant district attorney position numbers 2 and 3 review and charge domestic violence referrals and prosecute domestic violence cases in three specialized Milwaukee County domestic violence courts.

New Funding – Approx. October 1, 2011, to December 31, 2011

Name/Position	Computation	Cost
1. Assistant District Attorney Peter Tempelis or successor	\$55,000/yr. x 100% x 3 mos.	\$14,710
2. Assistant District Attorney Dax Odom or successor	\$53,500/yr. x 100% x 3 mos.	\$14,309
3. Assistant District Attorney Joshua Mathy or successor	\$51,000/yr. x 100% x 3 mos.	\$13,640
4. Assistant District Attorney Joan King or successor	\$51,000/yr. x 100% x 3 mos.	\$13,640

The assistant district attorneys are state employees in the Milwaukee County district attorney's office. The salaries for the new positions are based on the projected salaries of the current position incumbents or their successors. All of the positions are dedicated exclusively to grant activities; the four assistant district attorneys review and charge domestic

domestic violence referrals and prosecute domestic violence cases in three specialized Milwaukee County domestic violence courts.

SECTION A TOTAL \$372,299

B. Fringe Benefits - Fringe benefits should be based on actual known costs or an established formula. Fringe benefits are for the personnel listed in budget category (A) and only for the percentage of time devoted to the project. Fringe benefits on overtime hours are limited to FICA, workers' compensation, and unemployment compensation.

Continuation Funding – Approx. July 1, 2011, to June 30, 2013

Name/Position	Computation	Cost
1. Assistant District Attorney Rachel Sattler or successor	\$31,115/yr. x 100% x 2 yrs.	\$62,230
2. Assistant District Attorney Matthew Puthukulam or successor	\$20,278/yr. x 100% x 2 yrs.	\$40,556
3. Assistant District Attorney Nicolas Heitman or successor	\$19,332/yr. x 100% x 2 yrs.	\$38,663

Fringe benefits for the state positions of assistant district attorney are based on actual costs, which vary greatly depending on whether the prosecutor has a single or family health insurance plan and on the plan selected in the state's three-tier health insurance program. For prosecutors in the same pay range and level of experience as the three grant-funded prosecutors, the cost of health insurance currently ranges from 16 to 52 percent of salary. The fringe benefits costs are based on the current rates of the three prosecutors. Sattler has a family health insurance plan; Puthukulam and Heitman currently have single health insurance plans. Social security payments are 7.65 percent of salary and pension fund contributions are 15 percent of salary for all state prosecutors in the district attorney's office. The differences in fringe benefits costs for the three prosecutors reflects the wide range of health insurance costs depending on the single or family plan selected in the state's three-tier health insurance program.

New Funding – Approx. October 1, 2011, to December 31, 2011

Name/Position	Computation	Cost
1. Assistant District Attorney Peter Tempelis or successor	\$31,350/yr. x 100% x 3 mos.	\$8,385
2. Assistant District Attorney Dax Odom or successor	\$17,120/yr. x 100% x 3 mos.	\$4,579
3. Assistant District Attorney Joshua Mathy or successor	\$31,110/yr. x 100% x 3 mos.	\$8,320
4. Assistant District Attorney Joan King or successor	\$31,110/yr. x 100% x 3 mos.	\$8,320

Fringe benefits for the state positions of assistant district attorney are based on actual costs, which vary greatly depending on whether the prosecutor has a single or family health insurance plan and on the plan selected in the state's three-tier health insurance program. For prosecutors in the same pay range and level of experience as the four grant-funded prosecutors, the cost of health insurance currently ranges from 32 to 61 percent of salary. The fringe benefits costs are based on the current rates of the four prosecutors. Tempelis, Mathy, and King have family health insurance plan; Odom currently has a single health insurance plan. Social security payments are 7.65 percent of salary and pension fund contributions are 15 percent of salary for all state prosecutors in the district attorney's office. The differences in fringe benefits costs for the four prosecutors reflects the wide range of health insurance costs depending on the single or family plan selected in the state's three-tier health insurance program.

SECTION B TOTAL **\$171,053**

Total Personnel & Fringe Benefits **\$543,352**

C. Travel - Itemize travel expenses of project personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Show the basis of computation (e.g., six people to 3-day training at \$X airfare, \$X lodging, \$X subsistence). In training projects, travel, and meals for trainees should be listed separately. Show the number of trainees and unit costs involved. Identify the location of travel, if known. Indicate source of travel policies applied, applicant or federal travel regulation.

<u>Purpose of Travel</u>	<u>Location</u>	<u>Item</u>	<u>Computation</u>	<u>Cost</u>
1. Prosecution training for assistant district attorneys – 4 trips	TBD	Airfare	\$500 x 2 ADAs x 4 trips	\$4,000
		Hotel	\$100/night x 3 nights x 2 ADAs x 4 trips	\$2,400
		Per Diem	\$49/day x 4 days x 2 ADAs \$1,568 x 4 trips	\$1,568
2. Coordinated community response training for prosecutors, law enforcement officers, and grant-funded community partners – 3 trips	TBD	Airfare	\$400 x 3 persons x 3 trips	\$3,600
		Hotel	\$62/night x 3 nights x 3 persons x 3 trips	\$1,668
		Per Diem	\$49/day x 4 days x 3 Persons x 3 trips	\$1,764

The Milwaukee County district attorney's office has elected to follow the Milwaukee County travel policy, set forth in section 5.11 of the county administrative manual, on all federal grant programs. The district attorney's office provides a copy of the policy to each grant-funded community partner. District attorney state and county employees and employees of the grant-funded community agencies are required to follow the policy and submit county travel expense reports for reimbursement of all project-related travel expenses. In addition, all travel expenses must be for training or conferences approved by the Office on Violence Against Women (OVW) or by the Battered Women's Justice Project (BWJP), OVW's technical assistance provider.

SECTION C TOTAL \$15,000

D. Equipment - List non-expendable items that are to be purchased. (Note: Organization's own capitalization policy for classification of equipment should be used.) Expendable items should be included in the "Supplies" category. Applicants should analyze the cost benefits of purchasing versus leasing equipment, especially high cost items and those subject to rapid technical advance. Rented or leased equipment costs should be listed in the "Contractual" category. Explain how the equipment is necessary for the success of the project. Attach a narrative describing the procurement method to be used.

Item	Computation	Cost
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Not applicable.

SECTION D TOTAL -0-

E. Supplies - List items by type (office supplies, postage, training materials, copying paper, and other expendable items such as books, hand held tape recorders) and show the basis for computation. Generally, supplies include any materials that are expendable or consumed during the course of the project.

Continuation Funding – Approx. July 1, 2011, to June 30, 2012

Supply Items	Computation	Cost
Monthly charge for county cellular telephones issued to 4 victim advocates employed by the Sojourner Family Center and the Alma Center	\$30/mo. x 1 yr. x 4 advocates	\$1,440

Milwaukee County issues cellular telephones to the four grant-funded victim advocates employed by the Sojourner Family Peace Center and the Alma Center because the advocates travel to police district stations and other locations to provide services to victims of domestic violence. The cost per telephone averages approximately \$30 per month because the county spreads the cost of monthly usage charges across all of the cellular telephones in county service.

New Funding – Approx. July 1, 2011, to June 30, 2013

Supply Items	Computation	Cost
Monthly charge for cellular telephone for new Sojourner Family Peace Center advocate for the Milwaukee 4 th police district	\$30/mo. x 2 yrs. x 1 advocate	\$ 720

Milwaukee County will issue a cellular telephone to the new Sojourner Family Peace Center victim advocate for the Milwaukee fourth police district. The cost per telephone averages approximately \$30 per month because the county spreads the cost of monthly usage charges across all of the cellular telephones in county service

SECTION E TOTAL \$2,160

F. Construction - As a rule, construction costs are not allowable. In some cases, minor repairs or renovations may be allowable. Consult with the program office before budgeting funds in this category.

Purpose	Description of Work	Cost
Not applicable.		

SECTION F TOTAL -0-

G. Consultants/Contracts - Indicate whether applicant's formal, written Procurement Policy or the Federal Acquisition Regulations are followed.

Contracts: Provide a description of the product or services to be procured by contract and an estimate of the cost. Applicants are encouraged to promote free and open competition in awarding contracts. A separate justification must be provided for sole source contracts in excess of \$100,000.

Item	Computation	Cost
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The Milwaukee County district attorney's office proposes to contract with the Alma Center, the Sojourner Family Peace Center, and the Wisconsin Department of Corrections, as follows, in a collaborative partnership to strengthen prosecution and victim safety in domestic violence cases:

I. Alma Center

Continuation Funding – Approx. July 1, 2011, to June 30, 2012

A. Batterer Intervention Counselor	\$43,000 salary x 100% x 1 yr.	\$43,000
	\$15,290 fringe benefits x 1 yr.	\$15,290

Alma Subtotal	\$58,290
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The batterer intervention counselor employed by the Alma Center works in a team with a victim advocate from the Sojourner Family Peace Center and a probation and parole agent from the Wisconsin Department of Corrections to provide services to domestic violence offenders, who are re-entering the community from prison or jail, to reduce recidivism and enhance victim safety.

The salary estimate is based on current pay. Fringe benefits are approximately 35.60% of salary: 7.65% for social security and 27.95% for health insurance and state unemployment taxes. Alma has no retirement plan for employees.

II. Sojourner Family Peace Center

Continuation Funding – Approx. July 1, 2011, to June 30, 2012

A. Victim Advocate	\$36,720 salary x 100% x 3 advocates x 1 yr.	\$110,160
	\$12,723 fringe benefits x 3 advocates x 1 yr.	\$ 38,169
B. Client Emergency Fund	\$90 mo. x 3 victim advocates x 1 yr.	\$ 3,240

New Funding – Approx. July 1, 2011, to June 30, 2013

A. Victim Advocate	\$36,720 salary x 100% x 1 advocate x 2 yrs.	\$ 73,440
	\$12,723 fringe benefits x 1 advocate x 2 yrs.	\$ 25,446
B. Client Emergency Fund	\$90 mo. x 1 victim advocate x 2 yrs.	\$ 2,160

Sojourner Subtotal	\$252,615
---------------------------	------------------

Two of the victim advocates employed by the Sojourner Family Peace Center (Sojourner) provide services to victims of domestic violence in Milwaukee police district stations. The third Sojourner advocate works in a team with a batterer intervention counselor from the Alma Center and a probation and parole agent from the Wisconsin Department of Corrections to provide services to domestic violence offenders, who are re-entering the community from prison or jail, to reduce recidivism and enhance victim safety. The new Sojourner victim advocate will provide services to domestic violence victims in the Milwaukee 4th police district.

The salary estimates are based on the salary range for Sojourner advocates, with a 2% cost-of-living increase budgeted

for the July 1, 2011, to June 30, 2012, period. Fringe benefits are approximately 34.65% of salary, consisting of 7.65% for FICA and 27% for family health insurance and state unemployment compensation taxes. There is no retirement plan for Sojourner employees.

The client emergency fund, budgeted at \$90 per month for each of the four Sojourner advocates for a total of \$5,400, allows the advocates to provide emergency aid, such as food, transportation, shelter, utilities, clothing, and locks, to victims of domestic violence in desperate need.

SECTION G TOTAL \$396,808

H. Other Costs - List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent, and provide a monthly rental cost and how many months to rent.

Description	Computation	Cost
Provided as local match, without an identified dollar value, by the Milwaukee County district attorney's office and its community partners.		

SECTION H TOTAL -0-

I. Indirect Costs - Indirect costs are allowed only if the applicant has a Federally approved indirect cost rate. A copy of the rate approval, (a fully executed, negotiated agreement), must be attached. If the applicant does not have an approved rate, one can be requested by contacting the applicant's cognizant Federal agency, which will review all documentation and approve a rate for the applicant organization, or if the applicant's accounting system permits, costs may be allocated in the direct costs categories.

Description	Computation	Cost
Not applicable.		

SECTION I TOTAL -0-

Non-Federal Amount - Milwaukee County Local Match

Description	Computation	Cost
The Milwaukee County district attorney's office provides office space and utilities, furniture, and office supplies, without an identified dollar value, for the grant-funded assistant district attorneys. Likewise, the district attorney's community partners - the Sojourner Family Peace Center, the Alma Center, the Milwaukee Police Department, and the Wisconsin Department of Corrections - provide office space and utilities, furniture, and office supplies, without an identified dollar value, for their project-funded staff.		

TOTAL -0-

Budget Summary - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of federal funds requested and the amount of non-federal funds that will support the project.

Budget Category	Amount
A. Personnel	<u>\$ 372,299</u>
B. Fringe Benefits	<u>\$ 171,053</u>
C. Travel	<u>\$ 15,000</u>
D. Equipment	<u>\$ -0-</u>
E. Supplies	<u>\$ 2,160</u>
F. Construction	<u>\$ -0-</u>
G. Consultants/Contracts	<u>\$ 310,905</u>
H. Other	<u>\$ -0-</u>
Total Direct Costs	<u>\$ 871,417</u>
I. Indirect Costs	<u>-0-</u>
TOTAL PROJECT COSTS	<u>\$ 871,417</u>
 Federal Request	 <u>\$ 871,417</u>
Non-Federal Amount	<u>\$ -0-</u>



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

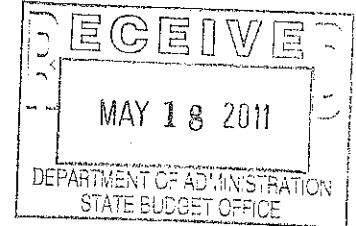
Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: May 16, 2011

TO: Brian Hayes, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, Director
State Prosecutors Office

SUBJECT: ***REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: MILWAUKEE
DISTRICT ATTORNEY'S OFFICE***



On behalf of the Milwaukee County District Attorney's Office, I am submitting the attached request to extend position authorization of a 1.0 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

Milwaukee County – Extension of Restorative Juvenile Justice Prosecutor in the
Milwaukee Public Schools
s.16.505 request
May 16, 2011

**DEPARTMENT OF ADMINISTRATION REQUEST UNDER s.16.505 FOR
POSITION AUTHORIZATION**

I. REQUEST

The Department of Administration requests, under s.16.505, the extension of current position authorization of a 1.0 FTE Program Revenue (PR) assistant district attorney (ADA) project position in BC77 from June 30, 2011, to August 30, 2011. The position is in the Milwaukee County District Attorney's (DA) Office. The position will continue to be funded via appropriation s.20.475(1)(h).

II. BACKGROUND

On February 28, 2008, the Milwaukee Public Schools (MPS) School Board approved annual funding of \$96,000 for a Restorative Juvenile Justice prosecutor in the MPS. The total funding is not to exceed \$384,000 from January 1, 2008, through June 30, 2011. The funding of \$96,000 is intended to fund the salary and fringe benefits of a 1.0 FTE Restorative Juvenile Justice prosecutor for one year, with annual extensions until June 30, 2011. The intergovernmental agreement includes a provision that the parties would review the program after one year to determine whether it should be extended. The parties have agreed to an extension of the agreement to August 30, 2011. The intent of the grant is to reduce truancy; prosecute cases against parents of chronically truant children who fail to comply with counseling; serve as a liaison between MPS, the juvenile courts, and the DA's office; and, implement restorative justice programs in MPS to reduce the number of MPS students referred to juvenile court for offenses committed on school grounds and promote the safety of MPS school children. To attain these goals, the focus will be on the Restorative Justice philosophy's three major principles: accountability to victims; competency building for offenders; and, community safety for all involved.

MPS already has begun to implement Restorative Justice practices in some of its schools, and over nine hundred MPS staff members and over thirty parents have received training in Restorative Justice practices from the DA's Office and others. In fact, Restorative Justice practices have now become an integral part of some schools' education plans. The DA's Office, via external grants, has been involved in the Restorative Justice process in at least two MPS high schools. The principals of those two schools were very supportive of the process and the positive success rate in changing student behavior. On February 12, 2008, the Joint Finance Committee approved a 1.0 program revenue project ADA Restorative Justice position for the MPS which is attached to the criminal division of the DA's office. The position being requested in this letter has been assigned to the juvenile division of the DA's office.

III. ANALYSIS

This position is in furtherance of the State's policy to prevent crime and to ameliorate the impact of crime upon the populace. Additional goals include reducing truancy; serving as a liaison between MPS, the juvenile courts, and the DA's office; and, implementing restorative justice programs in MPS to reduce the number of MPS students referred to juvenile court for offenses committed on school grounds.

IV. FISCAL ANALYSIS

The \$96,000 grant is sufficient to fund the 1.0 FTE position for approximately 12 months. The program revenue appropriation, s.20.475(1)(h), is continuing and will be re-estimated based on actual experience. The MPS School Board approved funding of up to \$384,000 through June 30, 2011. The parties to the agreement have agreed to an extension of the plan to August 30, 2011.

V. REVENUE SOURCE FOR APPROPRIATION

The MPS School Board authorized funding of \$96,000 per year for the Restorative Juvenile Justice ADA, not to exceed \$384,000 from January 1, 2008, through June 30, 2011. The source of the funds is the Safe Schools/Healthy Students Initiative grant. The parties to the agreement have agreed to an extension of the plan to August 30, 2011.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of continuing the position requested on the Milwaukee DA Office. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need corresponding to all duties of a DA Office, and is not specific to a particular type of activity or caseload such as that covered by this grant. As this position currently exists, no change in the needs analysis is shown if the position authority is extended for the position.

Milwaukee County – Extension of Restorative Juvenile Justice Prosecutor in the
Milwaukee Public Schools
s.16.505 request
May 16, 2011

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Many counties in Wisconsin are experimenting with Restorative Justice programs. However, the funds for this specific request have been authorized by the MPS School Board for this purpose.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

The MPS School Board has made the determination to focus the funding on a Restorative Juvenile Justice prosecutor in the MPS.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The decision to give this need a higher priority than other competing needs rests with the MPS School Board.

Milwaukee County – Extension of Restorative Juvenile Justice Prosecutor in the
Milwaukee Public Schools
s.16.505 request
May 16, 2011

Table 1: DA Office Caseload Analysis, December 22, 2010

DA Office	12/22/10 FTE*	FTE needed	FTE needed as a % of current FTE		DA Office	12/22/10 FTE*	FTE needed	FTE needed as a % of current FTE
Adams	1.20	1.12	93.17%		Marathon	11.00	1.72	15.61%
Ashland	1.75	0.53	30.09%		Marinette	2.50	0.10	4.20%
Barron	3.00	1.40	46.53%		Marquette	1.25	0.55	44.28%
Bayfield	1.00	0.49	49.07%		Milwaukee	128.50	-11.35	-8.83%
Brown	12.20	6.49	53.20%		Monroe	3.00	3.19	106.31%
Buffalo	1.00	0.02	2.04%		Oconto	1.50	0.85	56.69%
Burnett	1.25	0.88	70.19%		Oneida	2.65	0.57	21.67%
Calumet	2.00	0.37	18.63%		Outagamie	11.90	3.48	29.23%
Chippewa	5.00	0.97	19.39%		Ozaukee	3.00	1.20	39.85%
Clark	2.00	0.30	15.07%		Pepin	0.80	-0.25	-30.86%
Columbia	4.50	2.14	47.46%		Pierce	2.50	-0.27	-10.71%
Crawford	1.00	-0.30	-29.50%		Polk	3.25	0.79	24.29%
Dane	31.10	6.23	20.05%		Portage	4.00	1.98	49.48%
Dodge	4.00	2.27	56.86%		Price	1.00	0.25	24.90%
Door	2.00	0.31	15.48%		Racine	18.00	7.96	44.20%
Douglas	3.50	0.98	28.12%		Richland	1.80	0.12	6.64%
Dunn	3.00	1.31	43.71%		Rock	14.00	5.02	35.84%
Eau Claire	8.00	4.29	53.67%		Rusk	1.50	-0.18	-12.12%
Florence	0.50	0.12	23.95%		Saint Croix	6.95	0.16	2.35%
Fond du Lac	7.40	1.96	26.50%		Sauk	4.50	2.08	46.16%
Forest	1.00	0.59	58.55%		Sawyer	2.00	1.12	56.05%
Grant	2.00	1.51	75.43%		Shaw/Men	3.00	1.79	59.55%
Green	2.00	0.93	46.69%		Sheboygan	7.50	5.11	68.18%
Green Lake	1.75	0.37	21.14%		Taylor	1.00	0.14	13.84%
Iowa	1.75	0.66	37.84%		Trempealeau	2.00	0.33	16.61%
Iron	1.00	-0.18	-17.72%		Vernon	2.00	-0.68	-33.76%
Jackson	2.00	0.62	30.98%		Vilas	2.00	0.53	26.67%
Jefferson	5.30	2.77	52.32%		Walworth	5.00	2.32	46.39%
Juneau	2.50	0.92	36.91%		Washburn	1.25	0.53	42.09%
Kenosha	16.00	3.95	24.70%		Washington	5.00	2.39	47.87%
Kewaunee	1.50	-0.36	-23.96%		Waukesha	16.50	4.38	26.55%
La Crosse	8.00	2.89	36.10%		Waupaca	3.50	0.80	22.97%
Lafayette	1.00	0.03	2.69%		Waushara	1.75	0.28	16.11%
Langlade	1.50	1.83	122.31%		Winnebago	10.40	4.91	47.25%
Lincoln	2.00	1.44	71.93%		Wood	4.00	4.90	122.51%
Manitowoc	5.00	1.77	35.46%					

Milwaukee County – Extension of Restorative Juvenile Justice Prosecutor in the
Milwaukee Public Schools
s.16.505 request
May 16, 2011

*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) The 1.0 PR ADA FTE for anti-drug cases in St. Croix is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.
- 4) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
 - b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 6) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 7) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 8) The 0.75 PR FTE in Green Lake (0.25 FTE) that also serves Marquette (0.25 FTE) and Waushara (0.25 FTE) is divided by the FTE shown in the parentheses.



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM • District Attorney

Chief Deputy Kent L. Lovern, Deputies James J. Martin, Patrick J. Kenney, Lovell Johnson, Jr., Jeffrey J. Altenburg

RECD WPS 11 FEB 18 PM 1

William J. Moltor
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Gale G. Shelton
Gary D. Mahkorn
David Robles
Cynthia G. Brown
Norman A. Gahn
Steven H. Glenn
Mark S. Williams
John M. Stoiber
Thomas L. Potter
David Feiss
Rayann Chandler Szychilinski
Carole Manchester
Kenneth R. Berg
Warren D. Zler
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Steven V. Licata
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Ronald S. Dague
Lori S. Komblum
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Maria Dorsey
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Kurt B. Bensley
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Megan P. Carmody
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Shawn Pompe
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David T. Malone
Kelly L. Hedge
Rachael Stencel
Mary M. Sowinski
Kathryn K. Sarnier
Daniel J. Gabler
Sara P. Scullen
T. Christopher Dee
Jacob D. Corr
Joy Hammond
Katharine F. Kucharski
Elisabeth Mueller
Grant I. Huebner
Stephan Eduard Nolten
Michelle Ackerman Havas
Jennifer K. Rhodes
Claire Starling
Zach Whitney
Rebecca A. Kiefer
Matthew J. Tolbenson
Karyna L. Childs
Carah Helwig
Anthony White
Antoni Apollo
Nicole D. Leeb
Erin Karshen
Lucy Kronforst
Michael J. Lonski
Paul M. Hauer
Sara Beth Lewis
Aaron E. Hall
Jenni Splies
David M. Stegall
Amanda Kirkewski
Benjamin Wesson
Renée Helnitz
Karl P. Hayes
Jessica Zetley
Holly L. Bunch
Jacob A. Mantan
Heather M. Placek
Megan M. Williamson
Dewey B. Martin
Sarah Eberle
Christopher J. Ladwig
Kimberly D. Sikorski
Nicole J. Sheldon
Dax C. Odum
Maureen A. Atwell
Christopher W. Rawsthorne
Rachel E. Sattler
Jennifer L. Hanson
Patricia J. Dougherty
Marissa L. Santiago
Meghan C. Lindberg
Jon Neuleib
Ann M. Romero
Brian Sammons
Peter M. Tempelis
Matthew G. Puthukulam
Jeremiah C. Van Hecke
Edward L. Wright
Randy Sitzberger
Karyn E. Behling
Kristin Shimabuku
Douglas R. Martin
Kasey M. Deiss
Andrew A. Hitt
Nicolas J. Helman
Chad Wozniak
Estee E. Hart
Kristin M. Schrank
Claire E. Trimarco
Francesco G. Mineo
Jane Christopherson
Tyrone M. St. Junior
Hanna R. Kolberg
Joshua M. Matthy
Joan O. King

February 16, 2011

Mr. Philip Werner, Director
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869

Dear Mr. Werner:

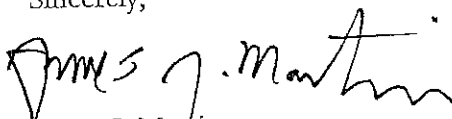
We are requesting that you take all steps necessary to extend legislative position authority for the BC77 Milwaukee Public Schools restorative justice assistant district attorney position from June 30, 2011, to August 30, 2011.

Back on November 18, 2009, I provided you with a copy of the intergovernmental agreement extending the funding for the position through August 30, 2011. A copy of my November 18, 2009, letter is enclosed.

In reviewing the report you provide me on the status of our positions, I see that the legislative authority for the BC77 position is scheduled to end on June 30, 2011, although the position is fully funded through August 30, 2011.

Thank you for your consideration. Please contact me if you have any questions.

Sincerely,


James J. Martin
Deputy District Attorney



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM • District Attorney

Chief Deputy Kent L. Lovern, Deputies James J. Martin, Patrick J. Kenney, Lovell Johnson, Jr., Jeffrey J. Altenburg

November 18, 2009

Mr. Philip Werner, Director
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869

Dear Mr. Werner:

Last year, the legislature created the BC77 restorative justice assistant district attorney position in the Milwaukee Public Schools and authorized the position through June 30, 2011.

The intergovernmental agreement included a provision that the parties would review the program after one year to determine whether it should be extended. Earlier this month, the parties agreed to extend the agreement to August 30, 2011. A copy of the extension agreement is enclosed for your records.

Thank you for your consideration. Please contact me at 414-278-5369 or at Jim.Martin@da.wi.gov if you have any questions.

Sincerely,

James J. Martin
Deputy District Attorney

Thomas A. Schulz
Alexander G. Sklarow
William J. Moltor
Donald S. Jackson
Gale G. Shelton
Gary D. Mahkorn
David Robles
Douglas J. Simpson
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Karyn E. Behling

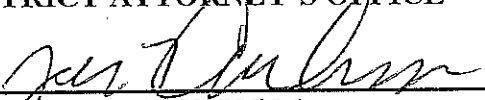
EXTENSION OF AGREEMENT BETWEEN MILWAUKEE PUBLIC SCHOOLS,
THE STATE OF WISCONSIN BY AND THROUGH THE MILWAUKEE COUNTY
DISTRICT ATTORNEY'S OFFICE, AND THE MILWAUKEE COUNTY
CHILDREN'S COURT FOR THE SAFE SCHOOLS/HEALTHY STUDENTS
INITIATIVE

Pursuant to ¶25 of the above-named Agreement (see attachments), the parties may extend the term of the Agreement for up to three years by agreeing in writing in a signed letter agreement. If you agree to extend the Agreement, please indicate by signing below.

The parties to the above-named Agreement agree to extend the terms of the Agreement until August 30, 2011. All other terms of the Agreement remain the same.

APPROVED:

STATE OF WISCONSIN BY
MILWAUKEE COUNTY
DISTRICT ATTORNEY'S OFFICE


By: JOHN T. CHISHOLM
District Attorney
Milwaukee County


Date: 11-18-2009

MILWAUKEE PUBLIC SCHOOLS



By: MICHAEL BONDS, President
Milwaukee Board of School Directors

Date: 11-4-09

MILWAUKEE COUNTY
CHILDREN'S COURT


By: JUDGE MARSHALL MURRAY
Milwaukee County Children's Court Judge

Date: 11/11/09


By: WILLIAM G. ANDREKOPOULOS
Superintendent of Schools

Date: 10-30-09

EXTENSION OF AGREEMENT BETWEEN MILWAUKEE PUBLIC SCHOOLS,
THE STATE OF WISCONSIN BY AND THROUGH THE MILWAUKEE COUNTY
DISTRICT ATTORNEY'S OFFICE, AND THE MILWAUKEE COUNTY
CHILDREN'S COURT FOR THE SAFE SCHOOLS/HEALTHY STUDENTS
INITIATIVE

Pursuant to ¶25 of the above-named Agreement (see attachments), the parties may extend the term of the Agreement for up to three years by agreeing in writing in a signed letter agreement. If you agree to extend the Agreement, please indicate by signing below.

The parties to the above-named Agreement agree to extend the terms of the Agreement until August 30, 2011. All other terms of the Agreement remain the same.

APPROVED:

STATE OF WISCONSIN BY
MILWAUKEE COUNTY
DISTRICT ATTORNEY'S OFFICE

By: JOHN T. CHISHOLM
District Attorney
Milwaukee County

Date: _____

MILWAUKEE PUBLIC SCHOOLS

By: MICHAEL BONDS, President
Milwaukee Board of School Directors

Date: 11-4-09

MILWAUKEE COUNTY
CHILDREN'S COURT

By: Marshall S. Murray
JUDGE MARSHALL MURRAY
Milwaukee County Children's Court Judge

Date: 11/12/09

By: William G. Andreopoulos
Superintendent of Schools

Date: 10-30-09

(ITEM 5) ACTION ON APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE STATE OF WISCONSIN BY AND THROUGH THE MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE, MILWAUKEE COUNTY CHILDREN'S COURT, AND THE MILWAUKEE BOARD OF SCHOOL DIRECTORS REGARDING AN MPS COMMUNITY RESTORATIVE JUSTICE PROSECUTOR

Attachment, pp. 194-197

BACKGROUND

1. In May 2006, The Committee on Special Education recognized restorative justice as an effective tool for suspension prevention and intervention. Research in the St. Paul, Minnesota Public School system, found that over a three-year period out of school suspensions dropped from 110 to 55 while in a senior high school the decrease was from 132 to 95. An elementary school found that office referrals for acts of physical aggression dropped from 773 to 153. A Pennsylvania high school saw the number of disciplinary referrals drop from 1752 to 1154 over a three-year period after the institution of restorative justice.
2. The District Attorney's Office, through external grants, has been involved in restorative justice at Bradley Tech High School and Metropolitan High School. Recommendations from the schools' principals were very supportive of the process and the positive success rate in changing student behavior.
3. At the August 2007 Board meeting, the Administration reported that the restorative justice has resulted in positive outcomes. The Board at this meeting approved the position of an MPS Community Restorative Justice Prosecutor to work with the district's students involved in the juvenile justice system.
4. At the November 2007 Board meeting, the Board approved the Intergovernmental Agreement with the State of Wisconsin by and through the Milwaukee County District Attorney's Office.
5. In September 2007 Milwaukee Public Schools was notified of receiving a federally funded grant entitled Safe Schools/Healthy Students Initiative.
6. The Safe Schools/Healthy Students Initiative will develop community-wide approaches to create safe, respectful and drug free schools and to promote pro-social skills and healthy childhood development. Restorative justice is an integral part of this federally funded grant.
7. Two of the Safe Schools/Healthy Students Initiative grant partners are the Milwaukee County District Attorney and the Milwaukee County Children's Court. The expectation of these partners is to support restorative justice in the Safe Schools/Healthy Students Initiative schools.
8. As comments from the schools' principals currently receiving services from the MPS Community Restorative Justice Prosecutor were very supportive and many of the Safe Schools/Healthy Students Initiative Schools requested support for restorative justice, another MPS Community Restorative Justice Prosecutor to focus on the Safe Schools/Healthy Students Initiative Schools is being requested.

ADMINISTRATION'S ANALYSIS

9. Research shows that higher suspension rates lead to higher rates of juvenile incarceration.

**AGREEMENT BETWEEN MILWAUKEE PUBLIC SCHOOLS,
THE STATE OF WISCONSIN BY AND THROUGH THE MILWAUKEE COUNTY
DISTRICT ATTORNEY'S OFFICE, AND THE MILWAUKEE COUNTY CHILDREN'S
COURT FOR THE SAFE SCHOOLS/HEALTHY STUDENTS INITIATIVE**

AGREEMENT between the Milwaukee Board of School Directors (the "MPS Board"), Milwaukee Public Schools ("MPS"), the State of Wisconsin by and through the Milwaukee County District Attorney's Office (the District Attorney's Office"), and the Milwaukee County Children's Court (the "Children's Court"), entered into pursuant to Wis. Stat. § 66.0301.

WHEREAS, MPS is the recipient of a federal grant to implement the Safe Schools/Healthy Students Initiative and is the lead program agency and the fiscal agent under the grant; and

WHEREAS, the MPS Safe Schools/Healthy Students Initiative will develop community-wide approaches to create safe, respectful, drug-free schools and promote pro-social skills and healthy childhood development; and

WHEREAS, the District Attorney's Office and the Children's Court are juvenile justice agencies in the City of Milwaukee that ensure that the law is upheld and that justice is served; and

WHEREAS, the District Attorney's Office and the Children's Court collaborate with MPS in providing intervention programs for students and families in the areas of truancy, safety, gang affiliation, and criminal activity; and

WHEREAS, MPS, the District Attorney's Office, and the Children's Court are committed to working together with the other partners to the Safe Schools/Healthy Students Initiative; and

WHEREAS, the Restorative Justice Philosophy is a principle-based response to crime and other wrongdoing, which includes as three of its major tenets accountability to victims, competency building for offenders, and community safety for all involved, so all can move forward (Office of Juvenile Justice and Delinquency Prevention); and

WHEREAS, MPS has begun to implement restorative justice practices in some of its schools and some MPS staff members have received training in restorative justice practices from the District Attorney's Office and others; and

WHEREAS, at its August 2007 meeting, the Milwaukee Board of School Directors approved an intergovernmental cooperation agreement with the State of Wisconsin, by and through the District Attorney's Office for the provision of one MPS Restorative Justice Prosecutor to work with MPS students involved in the criminal justice system, and

WHEREAS, the District Attorney's Office and MPS have determined that an additional Assistant District Attorney who would be assigned to the Safe Schools/Healthy Students Initiative and appointed as the Restorative Juvenile Justice Prosecutor could assist in reducing


7. The MPS Restorative Juvenile Justice Prosecutor and Children's Court will assist in the development of collaborative strategies between MPS schools and the juvenile justice system to facilitate the on-going support and services in the transition of adjudicated youth returning to school from the juvenile justice system.
8. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will continue on-going collaborative efforts to reduce the number of MPS students referred to juvenile justice as a result of students' actions during the school day.
9. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will maintain active participation in the community-wide partnership described in the MPS Safe Schools/Healthy Students comprehensive plan.
10. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will engage in collaborative planning with other MPS Safe Schools/Healthy Students partners to promote safe school environments.
11. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will work with MPS to establish alternatives to student expulsion.
12. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will provide training and support for schools in restorative justice.
13. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will provide the data necessary for evaluation of the MPS Safe Schools/Healthy Students Initiative to the local evaluator.
14. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will review the quarterly status reports sent to all MPS Safe School/Healthy Students Initiative partners.
15. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will participate in the MPS Safe Schools/Healthy Students listserv, the semi-annual MPS Safe Schools/Healthy Students Project Partnership Community forums, and the semi-annual MPS Safe Schools/Healthy Students Project Improvement Meeting.
16. The MPS Restorative Juvenile Justice Prosecutor and the Children's Court will provide data related to the government Performance and Results Act Performance Indicators established by the federal government.
17. The Team Leaders will work closely with the MPS Project Director to ensure that all services outlined in this Agreement are provided as described and that all information required by MPS is reported in a timely fashion.

25. The term of this Agreement shall be from the date of signature for a period of one year thereafter. The Agreement may be extended for up to three additional years if the signatories to this Agreement or their designees so agree in writing in a signed letter agreement.

In the event the Agreement is extended in accordance with this paragraph, MPS shall pay no more than \$96,000 per year for the salary and benefits of the Assistant District Attorney assigned to serve as the MPS Restorative Juvenile Justice Prosecutor, to total no more than \$384,000 over the period of January 1, 2008 through June 30, 2011.

26. Any party may terminate this Agreement without cause upon delivery of a written notice to the other parties specifying that the Agreement shall be terminated no sooner than 60 days after the delivery of the notice of termination. MPS shall pay for any services actually rendered up to the date of termination.
27. This Agreement is contingent upon the appropriation of sufficient funds by appropriate MPS officials. If funds are not appropriated, MPS reserves the right to terminate the Agreement upon reasonable notice, with payment for services actually rendered up to the date of termination.
28. The District Attorney's Office shall be solely liable for all acts undertaken by the MPS Restorative Juvenile Justice Prosecutor with respect to this Agreement.

MILWAUKEE COUNTY
DISTRICT ATTORNEY'S OFFICE


JOHN CHISHOLM
Milwaukee County District Attorney's Office


Date: 3/6/2008

MILWAUKEE COUNTY
CHILDREN'S COURT



JUDGE MARY TRIGGIANO
Milwaukee County Children's Court Judge

Date: 3/12/08

MILWAUKEE PUBLIC SCHOOLS


PETER T. BLEWETT, Ph.D.
Board President

Date: _____


WILLIAM G. ANDREKOPOULOS
Superintendent of Schools

Date: 3/19/08

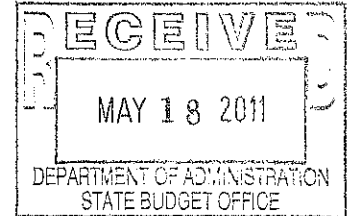


**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500



DATE: May 16, 2011

TO: Brian Hayes, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, Director
State Prosecutors Office

SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: MILWAUKEE
DISTRICT ATTORNEY'S OFFICE**

On behalf of the Milwaukee County District Attorney's Office, I am submitting the attached request to extend position authorization of a 1.0 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

Milwaukee County – Extension of MMDEG Byrne JAG Task Force
Pharmaceutical Diversion and Drug Overdose Prosecutor
s.16.505 request
May 16, 2011

**DEPARTMENT OF ADMINISTRATION REQUEST UNDER s.16.505 FOR
POSITION AUTHORIZATION**

I. REQUEST

The Department of Administration requests, under s.16.505, the extension of current position authorization of a 1.0 FTE Program Revenue (PR) assistant district attorney (ADA) project position in BC83 from June 30, 2011, to May 31, 2012. The position is in the Milwaukee County District Attorney's (DA) Office and will continue to be funded via appropriation s.20.475(1)(h).

II. BACKGROUND

As originally awarded, the Byrne JAG Recovery Act grant provided funding for three years at \$87,450 per year for one Assistant District Attorney (ADA), and funding of \$93,825 for one year for a second ADA who would specialize in drug overdose deaths and pharmaceutical diversion cases. Position authority for the second position was granted by the Joint Committee on Finance effective February 26, 2010, and ends June 30, 2011.

The drug overdose and pharmaceutical diversion ADA position was filled effective April 14, 2010, and was assigned four areas of responsibility: prosecution and investigative support; training and development to allow the prosecutor to better execute the assignment; legislative initiatives; and, public outreach. The ADA in this position has reviewed over a hundred cases which include fatal and non-fatal drug overdoses, the involvement of health care workers who diverted pills through their employment, and alleged drug trafficking of substances such as heroin and methadone.

The ADA also has: developed intelligence collection databases; created a chart illustrating companion charges and penalties for assorted pharmaceutical-related crimes; created another chart that illustrates the schedule and charging statute for numerous prescription drugs as a reference for ADAs and law enforcement; consulted with law enforcement regarding methods of investigation which will target practitioners who are involved in pill diversion; helped identify appropriate candidates for Drug Treatment Court; and, consulted with ADAs regarding prosecution of Chapter 450 violations. The ADA has participated in training and development programs in order to become a better resource for law enforcement personnel; has identified areas where new legislation or amendments to current laws could promote public safety in regard to pill diversions and overdoses; and, met with physician representatives to discuss collaboration and the development of a "best practices" protocol among doctors.

Expenses have been significantly under budget due to: (1) one incumbent waiving State health insurance coverage; (2) the salary and benefits of the

Milwaukee County – Extension of MMDEG Byrne JAG Task Force
Pharmaceutical Diversion and Drug Overdose Prosecutor
s.16.505 request
May 16, 2011

incumbent of the three-year position is considerably less than the amount budgeted in the grant; and, (3) the salary and fringe package of the ADA in the one-year position is significantly less than the budgeted amount.

The Office of Justice Assistance has approved Milwaukee's request to modify the project budget to continue the funding of the second position until approximately May 31, 2012.

III. ANALYSIS

This position is in furtherance of the State's policy to fight drug crime and to divert non-violent offenders away from the traditional criminal justice system and direct them toward services and treatment, thereby reducing recidivism.

IV. FISCAL ANALYSIS

The savings the program has experienced due to the reasons cited above are sufficient to fund the 1.0 FTE position until approximately May 31, 2012. The program revenue appropriation, s.20.475(1)(h), is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The source of the grant funds is an American Recovery and Reinvestment Act grant made available through the Byrne Justice Assistance Grant program. The Milwaukee County DA's office will reimburse the salary and fringe benefit costs for the State-paid ADA in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of continuing the position requested on the Milwaukee DA Office. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need corresponding to all duties of a DA Office, and is not specific to a particular type of activity

or caseload such as that covered by this grant. As this position currently exists, no change in the needs analysis is shown if the position authority is extended for the position.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Many counties in Wisconsin are experimenting with diversion programs; however, the funds for this specific request have been authorized by the ARRA Byrne JAG program for this purpose.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

The ARRA Byrne JAG program has made the determination to focus the funding on a drug overdose and pharmaceutical diversion prosecutor in the Milwaukee DA's office.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The decision to give this need a higher priority than other competing needs rests with the ARRA Byrne JAG program.

Milwaukee County – Extension of MMDEG Byrne JAG Task Force
 Pharmaceutical Diversion and Drug Overdose Prosecutor
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Table 1: DA Office Caseload Analysis, December 22, 2010

DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved		DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	1.12	1.12		Marathon	11.00	1.72	1.72
Ashland	1.75	0.53	0.53		Marinette	2.50	0.10	0.10
Barron	3.00	1.40	1.40		Marquette	1.25	0.55	0.55
Bayfield	1.00	0.49	0.49		Milwaukee	128.50	-11.35	-11.35
Brown	12.20	6.49	6.49		Monroe	3.00	3.19	3.19
Buffalo	1.00	0.02	0.02		Oconto	1.50	0.85	0.85
Burnett	1.25	0.88	0.88		Oneida	2.65	0.57	0.57
Calumet	2.00	0.37	0.37		Outagamie	11.90	3.48	3.48
Chippewa	5.00	0.97	0.97		Ozaukee	3.00	1.20	1.20
Clark	2.00	0.30	0.30		Pepin	0.80	-0.25	-0.25
Columbia	4.50	2.14	2.14		Pierce	2.50	-0.27	-0.27
Crawford	1.00	-0.30	-0.30		Polk	3.25	0.79	0.79
Dane	31.10	6.23	6.23		Portage	4.00	1.98	1.98
Dodge	4.00	2.27	2.27		Price	1.00	0.25	0.25
Door	2.00	0.31	0.31		Racine	18.00	7.96	7.96
Douglas	3.50	0.98	0.98		Richland	1.80	0.12	0.12
Dunn	3.00	1.31	1.31		Rock	14.00	5.02	5.02
Eau Claire	8.00	4.29	4.29		Rusk	1.50	-0.18	-0.18
Florence	0.50	0.12	0.12		Saint Croix	6.95	0.16	0.16
Fond du Lac	7.40	1.96	1.96		Sauk	4.50	2.08	2.08
Forest	1.00	0.59	0.59		Sawyer	2.00	1.12	1.12
Grant	2.00	1.51	1.51		Shaw/Men	3.00	1.79	1.79
Green	2.00	0.93	0.93		Sheboygan	7.50	5.11	5.11
Green Lake	1.75	0.37	0.37		Taylor	1.00	0.14	0.14
Iowa	1.75	0.66	0.66		Trempealeau	2.00	0.33	0.33
Iron	1.00	-0.18	-0.18		Vernon	2.00	-0.68	-0.68
Jackson	2.00	0.62	0.62		Vilas	2.00	0.53	0.53
Jefferson	5.30	2.77	2.77		Walworth	5.00	2.32	2.32
Juneau	2.50	0.92	0.92		Washburn	1.25	0.53	0.53
Kenosha	16.00	3.95	3.95		Washington	5.00	2.39	2.39
Kewaunee	1.50	-0.36	-0.36		Waukesha	16.50	4.38	4.38
La Crosse	8.00	2.89	2.89		Waupaca	3.50	0.80	0.80
Lafayette	1.00	0.03	0.03		Wausara	1.75	0.28	0.28
Langlade	1.50	1.83	1.83		Winnebago	10.40	4.91	4.91
Lincoln	2.00	1.44	1.44		Wood	4.00	4.90	4.90
Manitowoc	5.00	1.77	1.77					

Milwaukee County – Extension of MMDEG Byrne JAG Task Force
Pharmaceutical Diversion and Drug Overdose Prosecutor
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May 16, 2011

*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) The 1.0 PR ADA FTE for anti-drug cases in St.Croix is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.
- 4) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
 - b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 6) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 7) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 8) The 0.75 PR FTE in Green Lake (0.25 FTE) that also serves Marquette (0.25 FTE) and Waushara (0.25 FTE) is divided by the FTE shown in the parentheses.



OFFICE OF THE DISTRICT ATTORNEY
Milwaukee County

JOHN T. CHISHOLM • District Attorney

Chief Deputy Kent L. Lovern, Deputies James J. Martin, Patrick J. Kenney, Lovell Johnson, Jr., Jeffrey J. Altenburg

March 18, 2011

Mr. Philip Werner, Director
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869

Dear Mr. Werner:

We are requesting that you take all steps necessary to extend legislative position authority for the BC83 Byrne JAG Recovery Act assistant district attorney position from June 30, 2011, to May 31, 2012.

The BC83 Byrne JAG Recovery Act grant, as originally awarded, provided funding for three years, at \$87,450 per year, for one assistant district attorney, and funding of \$93,825 for one year for a second assistant district attorney specializing in drug overdose deaths and pharmaceutical diversion cases. Legislative authority for the second position expires on June 30, 2011.

Expenses are well under budget for three principal reasons. First, Andrew Hitt, the prosecutor in the three-year position in 2010, waived state health insurance. Second, the annual salary and fringe benefits of Douglas Martin, the incumbent of the three-year position, are only approximately \$70,000, well under the annual personnel budget of \$87,450. Third, the annual compensation of Patricia Daugherty, the prosecutor filling the second position, is only approximately \$71,500, compared to the project budget of \$93,825.

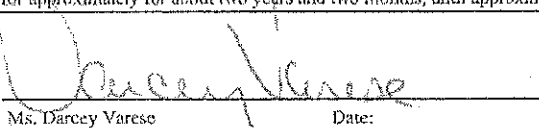
Therefore, the Office of Justice Assistance (OJA), the grant administrator, approved our request to modify the project budget to continue funding the second position, dedicated to drug overdose deaths and pharmaceutical diversion cases, to approximately May 31, 2012. Enclosed are the modified project budget from E-grants and OJA's approval for the modification, dated March 3, 2011, signed by Darcey Varese, OJA's acting deputy director. Also enclosed are the quarterly progress reports filed with OJA concerning the work of the prosecutor specializing in drug overdose deaths and pharmaceutical diversion cases.

Thank you for your consideration. Please contact me if you have any questions.

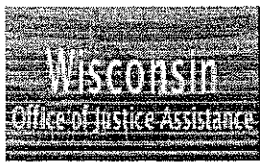
Sincerely,

James J. Martin
Deputy District Attorney

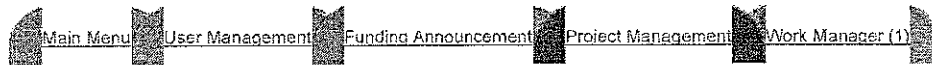
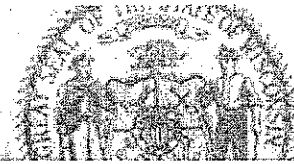
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William J. Molitor
Donald S. Jackson
Gale G. Shelton
Gary D. Mahkorn
David Robles
Cynthia G. Brown
Norman A. Gahn
Steven H. Glamm
Mark S. Williams
John M. Stober
Thomas L. Potter
David Feiss
Rayann Chandler Szychinski
Carole Manchester
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Warren D. Zier
Timothy J. Götter
Carol Barry Crowley
Steven V. Licata
Brad Vorpahl
Paul Tiffin
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Bruce J. Landgraf
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Estee E. Hart
Kristin M. Schrank
Claire E. Trimarco
Francesco G. Mineo
Jane Christopherson

Grant Adjustment Notice Statute 16.964 OJA-101 (rev. 7/07)		Grant Adjustment Notice (GAN) Office of Justice Assistance 1 S. Pinckney St, Suite 615 Madison WI 53703-3220 608/266-3323		March 3, 2011	
Project Director: Mr. John T. Chisholm		Subgrant #: 2009-DS-01-7317			
Applicant Agency: Milwaukee County District Attorney's Office 821 West State Street Milwaukee, WI 53233		Amendment Number: 1			
Signatory: Milwaukee County		Modification Submit Date: 02/16/2011			
Project Title: MMDEG Byrne JAG Task Force - Enhanced Prosecution		Program Manager: Matt Raymer			
Approved Project Period:	From: 01/01/2010	To: 12/31/2012	Modified Project Period:	From: 01/01/2010	To: 12/31/2012
Total Approved Budget by Source		Current Subgrant Budget		Net Change	
Federal		\$356,175.00		\$0.00	
Total		\$356,175.00		\$0.00	
Total Approved Budget by Category		Current Subgrant Budget		Net Change	
Personnel		\$219,935.00		\$42,680.00	
Employee Benefits		\$136,240.00		(\$42,680.00)	
Total		\$356,175.00		\$0.00	
<p>Explanation or Justification of Requested Modification:</p> <p>This Recovery Act grant provides funding for three years, at \$87,450 per year, for one assistant district attorney, and funding of \$93,825 for one year for a second assistant district attorney.</p> <p>Funding for the three-year position is well under budget for two main reasons. First, Andrew Hitt, the prosecutor in the position in 2010, waived state health insurance so fringe benefits costs were substantially under budget. Second, the annual salary and fringe benefits of Douglas Martin, the current position holder, are only approximately \$70,000, well under the annual personnel budget of \$87,450.</p> <p>In addition, the annual compensation of Patricia Daugherty, the prosecutor filling the second position, is only approximately \$71,500, well under the project budget of \$93,825 for one year of funding. Therefore, we are requesting permission to use these personnel surpluses to extend the life of the second assistant district attorney position for more than one year.</p> <p>We have submitted an amended budget. Besides funding the first prosecutor position for three years, we estimate that the personnel surpluses will allow us to fund the second prosecutor position for approximately for about two years and two months, until approximately May 31, 2012.</p>					
Signature: 					
Financial Officer: Ms. Darcey Varese		Date:			

THIS ADJUSTMENT IS NOT APPROVED UNTIL YOU RECEIVE A SIGNED COPY IN THE MAIL



Egrants



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System

Remain



Grant ID: 7317

Project Title: MMDEG Byrne JAG
Task Force -
Enhanced
Prosecution

Modifications Status: Open - Awarded

FundAnnouncement: [JAG Recovery Act: Drug](#)
[Task Force 2009](#)

PROJECT SUMMARY

[CLICK HERE](#) To enter/update/view Quarterly Fiscal Report information or Periodic Program Report information for this grant ([Monitoring](#) menu item).

[CLICK HERE](#) To view the current financial information for this grant such as payments and funding sources ([Fiscal Details](#) menu item).

Select the document link to access the details (i.e. Budget, Main Summary, Contract report...).

Phase	Documents	Start - End Dates	Status
Initial:	Create New Modification		
	Modifications 1	1/1/2010 - 12/31/2012	Open - Awarded
	Application	1/1/2010 - 12/31/2012	Open - Awarded

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Grant Adjustment Notice		Grant Adjustment Notice (GAN)				March 9, 2011																
Statute 16.964		Office of Justice Assistance																				
OJA-101 (rev. 7/07)		1 S. Pinckney St, Suite 615 Madison WI 53703-3220 608/266-3323																				
Project Director:		Mr. John T. Chisholm		Subgrant #:		2009-DS-01-7317																
Applicant Agency:		Milwaukee County District Attorney's Office 821 West State Street Milwaukee, WI 53233		Amendment Number:		1																
Signatory:		Milwaukee County		Modification Submit Date:		02/16/2011																
Project Title:		MMDEG Byrne JAG Task Force - Enhanced Prosecution		Program Manager:		Matt Raymer																
Approved Project Period:	From: 01/01/2010	To: 12/31/2012	Modified Project Period:	From: 01/01/2010	To: 12/31/2012																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 25%;">Total Approved Budget by Source</th> <th style="width: 25%;">Current Subgrant Budget</th> <th style="width: 25%;">Net Change</th> <th style="width: 25%;">New Budget</th> </tr> <tr> <td>Federal</td> <td style="text-align: right;">\$356,175.00</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$356,175.00</td> </tr> <tr> <td>Total</td> <td style="text-align: right;">\$356,175.00</td> <td style="text-align: right;">\$0.00</td> <td style="text-align: right;">\$356,175.00</td> </tr> </table>							Total Approved Budget by Source	Current Subgrant Budget	Net Change	New Budget	Federal	\$356,175.00	\$0.00	\$356,175.00	Total	\$356,175.00	\$0.00	\$356,175.00				
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Employee Benefits	\$136,240.00	(\$42,680.00)	\$93,560.00																			
Total	\$356,175.00	\$0.00	\$356,175.00																			
Explanation or Justification of Requested Modification:																						
<p>This Recovery Act grant provides funding for three years, at \$87,450 per year, for one assistant district attorney, and funding of \$93,825 for one year for a second assistant district attorney.</p> <p>Funding for the three-year position is well under budget for two main reasons. First, Andrew Hitt, the prosecutor in the position in 2010, waived state health insurance so fringe benefits costs were substantially under budget. Second, the annual salary and fringe benefits of Douglas Martin, the current position holder, are only approximately \$70,000, well under the annual personnel budget of \$87,450.</p> <p>In addition, the annual compensation of Patricia Daugherty, the prosecutor filling the second position, is only approximately \$71,500, well under the project budget of \$93,825 for one year of funding. Therefore, we are requesting permission to use these personnel surpluses to extend the life of the second assistant district attorney position for more than one year.</p> <p>We have submitted an amended budget. Besides funding the first prosecutor position for three years, we estimate that the personnel surpluses will allow us to fund the second prosecutor position for approximately for about two years and two months, until approximately May 31, 2012.</p>																						
Signature:																						
Financial Officer:		Ms. Darcey Varese		Date:																		

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WISCONSIN OFFICE OF JUSTICE ASSISTANCE

Applicant Hereby Applies to the OJA for Financial

Support for the Within-Described Project:

SUBGRANT #: 7317

OJA USE ONLY

Receipt Date	Award Date	Subgrant Number(s)
2/16/2011	1/12/2010 12:00 AM	2009-DS-01 7317

SHORT TITLE: MMDEG Byrne JAG Task Force - Enhanced Prosecution

1. Type of Funds for which you are applying.	Justice Assistance Grant - Recovery (Fed. 16.803 DS) JAG Recovery Act: Drug Task Force 2009		
2. Applicant	Name Of Applicant:		
	Milwaukee County District Attorney's Office		County: Milwaukee
	Street Address Line 1: 821 West State Street		
	Address Line 2: Room 405		Address Line 3:
	City: Milwaukee		State: WI Zip: 53233
3. Recipient Agencies	Milwaukee County District Attorney's Office		
4. Signatory	Name:		Title: Interim County Executive
	Interim County Executive Marvin E Pratt		Agency: Milwaukee County
	Address Line 1: 901 North Ninth Street		
	Address Line 2: Room 306		Addr Line 3:
	City: Milwaukee		State: WI Zip: 53233-1458
	Phone: 414-278-4211	Fax: 414-223-1375	Email: Marvin.Pratt@milwcnty.com
5. Financial Officer	Name:		Title: Deputy District Attorney
	Mr. James J. Martin		Agency: Milwaukee County District Attorney's Office
	Address Line 1: 821 West State Street		
	Address Line 2: Room 405		Addr Line 3:
	City: Milwaukee		State: WI Zip: 53233
	Phone: 414-278-5369	Fax: 414-223-1955	Email: Jim.Martin@da.wi.gov
6. Project Director	Name:		Title: District Attorney
	Mr. John T. Chisholm		Agency: Milwaukee County District Attorney's Office
	Address Line 1: 821 West State Street		
	Address Line 2: Room 405		Addr Line 3:
	City: Milwaukee		State: WI Zip: 53233
	Phone: 414-278-4653	Fax:	Email: John.Chisholm@da.wi.gov
7. Brief Summary of Project	<p>Short Title (may not exceed 50 characters)</p> <p>MMDEG Byrne JAG Task Force - Enhanced Prosecution</p> <p>(Do Not Exceed Space Provided)</p> <p>This enhanced prosecution project will provide three years of funding to restore a position of assistant district attorney in the drug unit, which was lost in the 2009 budget because of declining funding, and two years of funding for an assistant district attorney in the drug unit specializing in pharmaceutical diversion and drug overdose death cases.</p>		

8. SubGrant Budget

Sources

Categories	Federal	Category Total
Personnel	262,615.00	262,615.00
Employee Benefits	93,560.00	93,560.00
Travel (Including Training)	0.00	0.00
Equipment	0.00	0.00
Supplies & Operating Expenses	0.00	0.00
Consultants/Contractual	0.00	0.00
Other	0.00	0.00
Source Total	356,175.00	356,175.00

9. Project Start Date: 1/1/2010 Project End Date: 12/31/2012

10. BUDGET DETAILS:

A. MASTER BUDGETS:

BY RECIPIENT AGENCY	YEAR 1	YEAR 2	YEAR 3	Total
Milwaukee County District Attorney's Office	124,058.00	143,500.00	88,617.00	356,175.00
Total:	124,058.00	143,500.00	88,617.00	356,175.00

Allocation/Recipient Agency: Milwaukee County District Attorney's Office

Category:	YEAR 1	YEAR 2	YEAR 3	Total
Personnel	95,232.00	103,750.00	63,633.00	262,615.00
Employee Benefits	28,826.00	39,750.00	24,984.00	93,560.00
Travel (Including Training)	0.00	0.00	0.00	0.00
Mandatory Travel	0.00	0.00	0.00	0.00
Equipment	0.00	0.00	0.00	0.00
Supplies & Operating Expenses	0.00	0.00	0.00	0.00
Consultants/Contractual	0.00	0.00	0.00	0.00
Construction	0.00	0.00	0.00	0.00
Indirect	0.00	0.00	0.00	0.00
Other	0.00	0.00	0.00	0.00
Total	124,058.00	143,500.00	88,617.00	356,175.00



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Grant ID: 7317

Project Title: MMDEG Byrne JAG
Task Force -
Enhanced
Prosecution

Modifications Status: Open - Awarded

Fund Announcement: JAG Recovery Act: Drug
Task Force 2009

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BUDGET DETAILS

Section Point Value: 0
Section Completion Status: Complete

Created By: Mr. James J. Martin
Last Update By: Tracy Becker

Created Date: 2/16/2011 2:27:38 PM
Last Update Date: 3/3/2011 10:33:14 AM

Budget Category	Current Subgrant Budget	Requested Subgrant Budget	Net Change Dollar Amount
Personnel	219,935.00	262,615.00	42,680.00
Employee Benefits	136,240.00	93,560.00	(42,680.00)
Travel (Including Training)	0.00	0.00	0.00
Equipment	0.00	0.00	0.00
Supplies & Operating Expenses	0.00	0.00	0.00
Consultants/Contractual	0.00	0.00	0.00
Other	0.00	0.00	0.00
Total: Σ	356,175.00	356,175.00	0.00

Total Approved Budget by Fund Source		
Source	Current Budget	New Budget
Federal	356,175.00	356,175.00
Total: Σ	356,175.00	356,175.00

Budget Setup

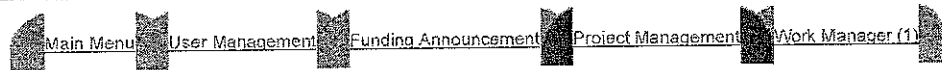
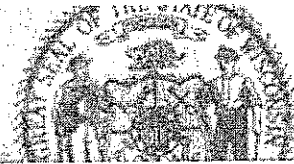
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Project Modification Monitoring Fiscal Details

Grant ID: 7317

Project Title: MMDEG Byrne JAG
Task Force -
Enhanced
Prosecution

Modifications Status: Open - Awarded

FundAnnouncement: JAG Recovery Act Drug
Task Force 2009

PERSONNEL

Briefly describe the overall use of funds for this budget category:

Salaries for two assistant district attorneys, one funded for three years and the second funded for two years.

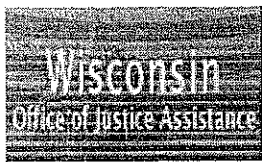
Add Budget Line Item Detail

Position	Name	Year 1 Cost		Year 2 Cost		Year 3 Cost		Total
		Current	New	Current	New	Current	New	
Assistant District Attorney 2		57,935.00	52,100.00	0.00	53,500.00	0.00	13,383.00	118,983.00
Assistant District Attorney 1		54,000.00	43,132.00	54,000.00	50,250.00	54,000.00	50,250.00	143,632.00
Total:		111,935.00	95,232.00	54,000.00	103,750.00	54,000.00	63,633.00	262,615.00

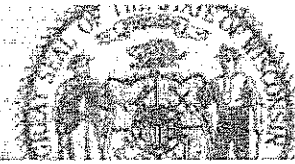
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[Project Modification](#) [Monitoring](#) [Fiscal Details](#)

Grant ID: 7317

Project Title: MMDEG Byrne JAG
Task Force -
Enhanced
Prosecution

Modifications Status: Open - Awarded

Fund Announcement: JAG Recovery Act: Drug
Task Force 2009

EMPLOYEE BENEFITS

Briefly describe the overall use of funds for this budget category:

Fringe benefits for two assistant district attorneys, one funded for three years and the second funded for two years.

[Add Budget Line Item Detail](#)

Position	Name	Year 1 Cost		Year 2 Cost		Year 3 Cost		Total
		Current	New	Current	New	Current	New	
Assistant District Attorney 2		35,890.00	19,185.00	0.00	19,750.00	0.00	4,984.00	43,919.00
Assistant District Attorney 1		33,450.00	9,641.00	33,450.00	20,000.00	33,450.00	20,000.00	49,641.00
Total:		69,340.00	28,826.00	33,450.00	39,750.00	33,450.00	24,984.00	93,560.00

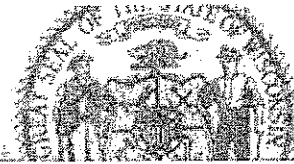
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Main Menu User Management Funding Announcement Project Management Work Manager (1)

Project Monitoring Fiscal Details

Grant ID: 7317 Project Title: MMDEG Byrne JAG Task Force - Enhanced Prosecution Applicant Agency: Milwaukee County District Attorney's Office
Report Start: 4/1/2010 Report End: 6/30/2010 Project Period: 1/1/2010 To 12/31/2012

PROGRAM REPORT

Report Status: Submitted Report Due Date: 7/30/2010
Approval Status: Approved Status Updated By: Mr. James J. Martin
Report Submission Date: 7/7/2010

Is the Project on Schedule? * Yes

If not, please explain:

Briefly List Activities Conducted During This Period: *

This ARRA Byrne JAG grant funds two positions of assistant district attorney in the violent crimes - drug unit. The first position was filled by Assistant District Attorney Andrew Hitt, a new hire, on February 15, 2010. As a result, we now have three four-person drug prosecution teams, each paired with a specialized speedy trial felony drug court. From January 1, 2009, to February 14, 2010, one of the drug prosecution teams had only three prosecutors because of the loss of Byrne JAG funding for the fourth prosecutor in the 2009 MMDEG task force budget. The second prosecutor position funded by this ARRA Byrne JAG grant, which was created by the legislature earlier this year, specializes in investigations and prosecutions of drug overdose deaths and pharmaceutical diversion cases. Assistant District Attorney Patricia Daugherty was appointed to this position on April 12, 2010.

Is this the Final Report: * No
(Make final report to close out your grant.)

Report Sections

Sections	Last Update Date	Last Updated By
<u>Performance Measures</u>	7/1/2010	Mr. James J. Martin
Client Information		
Service Information		
<u>Additional Information</u>	7/1/2010	Mr. James J. Martin
<u>Attachments</u>	7/7/2010	Mr. James J. Martin
Other Standard Questions		

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MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE

Metropolitan Drug Enforcement Group
Milwaukee, Wisconsin

To: John Chisholm, District Attorney
Kent Lovern, Chief Deputy Attorney
James Martin, Deputy District Attorney
From: Karen Loebel
Date: July 2, 2010
Subject: RxDO Position Report: 2nd Quarter, 2010

The Prescription Diversion / Overdose (RxDO) was filed on April 14, 2010. Trish Daugherty was given the assignment and continues in the position. The position was assigned four broad areas of responsibility: Prosecution and Investigative Support; Training and Development, to allow the prosecutor to better execute the assignment; Legislative Initiatives; and Public Outreach.

Prosecution and Investigative Support

1. From April 14, 2010 through June 30, 2010, ADA Daugherty reviewed 42 cases. As a result,
 - She issued criminal charges in 13 cases.
 - She no processed 12 referrals;
 - She has 17 cases under review
2. The cases the RxDO reviews fall into several broad categories:

Prescription Drug or Street Drug

Where the drug is a prescription drug (Oxycodone, Hydrocodone, Xanax, etc.), the case is further broken down as to whether it involves a health care worker or employee or is a more typical pill diversion (for example, a person who alters the number of pills or refills on a legitimate script, or who forges a prescription)

Overdose / Non-overdose

Frequently cases involving fatal overdoses are presented and pended for toxicology results; there is currently a 5 to 8 week wait for those results, and as a consequence, a higher than expected number of 1st Degree Reckless Homicide (Len Bias) cases remain under review.

Where the case involves a non-fatal overdose, the case is analyzed as to whether the defendant delivered the substance or was the person who self-overdosed. In the latter case, the approach generally is to attempt to gain intelligence from the person as to who the supplier was, and to direct the person into appropriate treatment resources and alternatives.

Suspect Medical Practices

ADA Daugherty has identified several medical practitioners whose names appear frequently in pill diversion investigations. She has identified a potential method of criminal prosecution where practitioners are outside standard or accepted medical practice, and she has met with representatives of the Milwaukee County Medical Association, which has agreed to work on a "best practices" guide for its members.

3. Of the cases 42 cases ADA Daugherty reviewed during this period,
 - 19 involved drug overdoses:
 - 13 were fatal overdoses:
 - 2 are in the final stages of review and should be issued shortly
 - 6 are still under investigation or are pending toxicology results; and
 - 5 have been no processed as unprovable;
 - 6 were non-fatal overdoses:
 - 3 involved heroin; 2 involved prescription drugs; 1 involved heroin and a prescription drug
 - 3 have been issued;
 - 1 is pending, as the defendant is cooperating with law enforcement; and
 - 2 were no processed.;
 - 5 involved health care workers who diverted pills through their employment.
 - These are nurses or pharmacy techs who either directly stole pills or ordered them in patients' names and then stole them. As of this point, none of those individuals have been identified as distributing the pills commercially.
 - 1 has been issued;
 - 2 are pending additional investigation;
 - 1 is pending a diversion agreement; and
 - 1 was no processed.
 - 22 cases involved allegations drug trafficking (Delivery or Possession with Intent to Deliver) of substances which include heroin, Xanax, Fentanyl, Oxycodone, and methadone.
 - 15 of the 22 cases involved an overdose;
 - Of the 7 non-overdose cases,
 - 6 were issued (5 are currently open; 1 resulted in a conviction)
 - 1 was no processed
4. From April 14, 2010 through June 30, ADA Daugherty had 25 cases in her caseload. 5 of those have resulted in convictions; the remaining 20 are pending in the circuit court.
5. In addition, during this period, ADA Daugherty reviewed 14 court orders (search warrants, subpoenas duces tecum, and warrants).
6. Additionally, ADA Daugherty,
 - Developed intelligence collection databases (including a database to track doctor and pharmacy information on all referred cases; and a database to track names and associated cases involving doctors whom law enforcement has reason to believe are involved in prescribing of controlled substances for non-legitimate medical reasons)
 - Created a chart illustrating the companion charges and penalties for assorted RX related crimes under chapters 450 and 961, for use by prosecutors and law enforcement.
 - Created a chart illustrating the schedule and charging statute for numerous prescription drugs as an easy reference source for ADAs and law enforcement for charging/reviewing referrals;

- Consulted with law enforcement regarding avenues of investigations which will target practitioners who are involved in pill diversion.
- Attended Drug Treatment Court staffings, to help identify appropriate candidates for Drug Treatment Court and to identify problematic practitioners and treatment providers
- Consulted with ADAs regarding prosecution of 450 violations

Training and Development

In order to better develop and prosecute RxDO cases and to become a better resource for other law enforcement personnel, medical professionals, and the community, ADA Daugherty attended three training programs during this period:

- DEA Diversion School in Potomac Maryland (6/21-6/26);
- SPET conference in Lake Geneva (5/18 to 5/21);
- DEA Prescription Drug program in Green Bay (4/13)

Legislative Initiatives

ADA Daugherty has begun identifying areas where new legislation or amendments to current laws, would promote public safety in regard to pill diversions and overdoses. Those areas include,

- A targeted statute addressing doctor shopping or pill seeking behavior by patients;
- A targeted statute concerning the non-legitimate prescribing of medication;
- A revision to the existing Len Bias statute to include all scheduled drugs;
- A revision to the existing Len Bias statute to clarify and simplify the necessary causative relationship of the delivered drug and the death;
- A statute akin to a substantial battery for individuals who deliver drugs to a subject who suffers a non-fatal overdose.

In the coming months, ADA Daugherty will reach out to legislators and other potential supporters for such legislation, and will begin to draft sample proposals.

In addition, ADA Daugherty has identified the areas that the Pharmacy Examining Board should address when it promulgates the rules for the program authorized by 2009 Act 362; in the coming months she reach out to the Pharmacy Board, in an effort to work on these issues.

Education / Public Outreach

In this period ADA Daugherty,

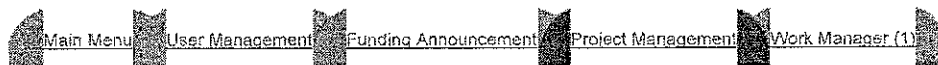
- Provided a continuing education lecture regarding criminal prosecutions to a community group, focusing in part on issues and dangers of prescription drug abuse;
- Met with physician representatives to discuss collaboration and the development of a “best practices” protocol among doctors



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Project Monitoring Fiscal Details

Grant ID: 7317 Project Title: MMDEG Byrne JAG Task Force - Enhanced Prosecution Applicant Agency: Milwaukee County District Attorney's Office

Report Start: 7/1/2010 Report End: 9/30/2010 Project Period: 1/1/2010 To 12/31/2012

PROGRAM REPORT

Report Status: Submitted
Approval Status: Approved
Report Submission Date: 11/10/2010

Report Due Date: 10/30/2010
Status Updated By: Mr. James J. Martin

Is the Project on Schedule? * Yes

If not, please explain:

Briefly List Activities Conducted During This Period: *

This ARRA Byrne JAG grant funds two positions of assistant district attorney (ADA) in the violent crimes - drug unit. ADA Andrew Hitt, who was hired on February 15, 2010, is a member of one of our three four-person drug teams, each of which is paired with a specialized speedy trial felony drug court. Hitt charges and prosecutes felony drug cases in one of the felony drug courts. The second ADA, Patricia Daugherty, who assumed her position on April 14, 2010, specializes in the investigation and prosecution of drug overdose deaths and pharmaceutical diversion cases.

Is this the Final Report: * No
(Make final report to close out your grant.)

Report Sections

Sections	Last Update Date	Last Updated By
Performance Measures	10/4/2010	Mr. James J. Martin
Client Information		
Service Information		
Additional Information	10/5/2010	Mr. James J. Martin
Attachments	11/10/2010	Mr. James J. Martin
Other Standard Questions		

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MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE
Metropolitan Drug Enforcement Group
Milwaukee, Wisconsin

To: Chief Ann Wellens, Chair,
Metropolitan Drug Enforcement Group Supervisory Commission
John Chisholm, District Attorney
Kent Lovern, Chief Deputy District Attorney
From: Karen Loebel
Date: November 9, 2010
Subject: RxDO Position Report: 3rd Quarter, 2010

The Prescription Diversion / Overdose (RxDO) position was filled on April 14, 2010. Trish Daugherty was given the assignment and continues in the position. The position was assigned four broad areas of responsibility: Prosecution and Investigative Support; Training and Development; Legislative Initiatives; and Public Outreach.

Prosecution and Investigative Support

From July 1, 2010 through September 30, 2010, ADA Daugherty,

- Was presented with 33 new criminal cases for review, including 4 homicide cases;
- Reviewed 5 cases involving non-fatal overdoses;
- Referred 5 defendants for diversion from the criminal justice system in cases involving possession of prescription drugs for personal use or cases of individuals who had used controlled substances or prescription drugs and overdosed;
- No Processed cases against 6 defendants;
- Charged 22 defendants, including
 - 3 defendants charged with homicide, for deaths resulting from delivery of controlled substances;
 - 1 defendant charged with Delivery of a Controlled Substance, relating to a non-fatal overdose;
 - 4 medical professionals or employees of medical clinics charged with possession of a narcotic drug, obtaining a controlled substance by misrepresentation and theft of drugs;
- Assisted in the application of 20 court orders for warrants, subpoenas duces tecum, and search warrants;
- Continued in support of the investigation of a doctor suspected of improper prescription practices; she identified a second doctor who is suspected of impropriety and has been in discussions with DEA officials regarding that individual;
- Obtained convictions in 17 cases.

As of September 30, 2010, ADA Daugherty had 27 cases pending in the circuit court; she had 20 additional referrals under review for criminal charges.

Training and Development

During this period, ADA Daugherty,

- Developed a standardized form for law enforcement and prosecutors to use with the medical examiner in fatal overdose cases, to assist in determining whether the controlled substance was a substantial factor in the death.
- Began developing a “best practices guide” for law enforcement and medical professionals for the acquisition and dissemination of medical and pharmacy records;
- Began developing a “best practices guide” for law enforcement for the investigation of prescription diversion cases;

Legislative Initiatives

ADA Daugherty has begun identifying areas where new legislation or amendments to current laws would promote public safety in regard to prescription diversion and overdoses. Those areas include,

- A statute addressing doctor shopping or pill seeking behavior by patients;
- A statute targeting non-legitimate prescribing of medication;
- A revision to the existing Len Bias statute to include all scheduled drugs;
- A revision to the existing Len Bias statute to clarify and simplify the necessary causative relationship of the delivered drug and the death;
- A statute providing for an increased penalty for delivery of controlled substance where a non-fatal overdose results;

Education / Public Outreach

In this period ADA Daugherty,

- Met with members of the MEB to develop a protocol for streamlining referrals and information sharing and consulted with prosecutors in surrounding counties regarding prescription drug prosecutions.



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Project Monitoring Fiscal Details

Grant ID: 7317 **Project Title:** MMDEG Byrne JAG Task Force - Enhanced Prosecution **Applicant Agency:** Milwaukee County District Attorney's Office

Report Start: 10/1/2010

Report End: 12/31/2010

Project Period: 1/1/2010 To 12/31/2012

PROGRAM REPORT

Report Status: Submitted

Report Due Date: 1/30/2011

Approval Status: Approved

Status Updated By: Mr. James J. Martin

Report Submission Date: 1/11/2011

Is the Project on Schedule? *

Yes

If not, please explain:

Briefly List Activities Conducted During This Period: *

This ARRA Byrne JAG grant funds two positions of assistant district attorney (ADA) in the violent crimes - drug unit. ADA Andrew Hitt, who was hired on February 15, 2010, is a member of one of our three four-person drug teams, each of which is paired with a specialized speedy trial felony drug court. Hitt charges and prosecutes felony drug cases in one of the felony drug courts. The second ADA, Patricia Daugherty, who assumed her position on April 14, 2010, specializes in the investigation and prosecution of drug overdose deaths and pharmaceutical diversion cases.

Is this the Final Report: *

No

(Make final report to close out your grant.)

Report Sections

Sections	Last Update Date	Last Updated By
Performance Measures	12/28/2010	Mr. James J. Martin
Client Information		
Service Information		
Additional Information	12/28/2010	Mr. James J. Martin
Attachments	1/11/2011	Mr. James J. Martin
Other Standard Questions		

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MILWAUKEE COUNTY DISTRICT ATTORNEY'S OFFICE
Metropolitan Drug Enforcement Group
Milwaukee, Wisconsin

To: Chief Ann Wellens, Chair,
Metropolitan Drug Enforcement Group Supervisory Commission
John Chisholm, District Attorney
Kent Lovern, Chief Deputy District Attorney
From: Karen Loebel
Date: January 10, 2011
Subject: RxDO Position Report: 4th Quarter, 2010

The Prescription Diversion / Overdose (RxDO) position was filled on April 14, 2010. Trish Daugherty was given the assignment and continues in the position. The position was assigned four broad areas of responsibility: Prosecution and Investigative Support; Training and Development; Legislative Initiatives; and Public Outreach.

Prosecution and Investigative Support

From September 30, 2010 through December 31, 2010. ADA Daugherty.

- Was formally presented with 43 new criminal cases for review, including
 - 1 homicide case;
 - 2 cases involving non-fatal overdoses;
- Diverted 1 defendant for diversion from the criminal justice system;
- No Processed cases against 2 defendants;
- Pended 12 cases, either for additional investigation or because the defendant was cooperating with law enforcement;
- Informally reviewed 13 additional cases, where the investigation was still pending, including
 - 3 homicides and 2 prescription drug diversion cases.
- Charged 22 defendants, including
 - 1 defendant charged with homicide, for deaths resulting from delivery of controlled substances;
 - 1 defendant charged with Delivery of a Controlled Substance, relating to a non-fatal overdose;
 - 2 medical professionals or employees of medical clinics charged with possession of a narcotic drug, obtaining a controlled substance by misrepresentation and theft of drugs;
- Obtained convictions against 12 individuals, including 1 homicide case.
- Assisted in the application of 15 court orders for warrants, subpoenas duces tecum, and search warrants;
- Continued in support of investigations into,

- doctors suspected of improper prescription practices;
- two prescription drug rings; and
- fatal and non-fatal overdoses in Milwaukee County.

As of December 31, 2010, ADA Daugherty had 44 cases pending in the circuit court.

Training and Development

During this period, ADA Daugherty,

- Attended the NADDI conference in Indianapolis;
- Attended the WACCI (Wisconsin Association of Computerized Crime Investigators) Conference in Madison.
- Worked with DOJ officials to prepare a training program for law enforcement in the proper handling and dissemination of medical and pharmacy records;
- Began developing a “best practices guide” for law enforcement for the investigation of prescription diversion cases;

Education / Public Outreach

In this period ADA Daugherty,

- Attended the regional meeting of the MEB;
- Provided presentations to
 - Marquette Law School
 - MATC students



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

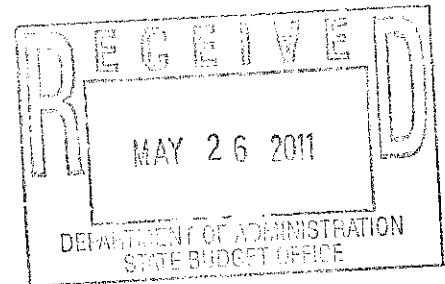
Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: May 26, 2011

TO: Brian Hayes, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, ^{Acting} Director
State Prosecutors Office

SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: DANE
DISTRICT ATTORNEY'S OFFICE**



On behalf of the Dane County District Attorney's Office, I am submitting the attached request to extend position authorization of a 0.5 FTE program revenue project position in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

DEPARTMENT OF ADMINISTRATION REQUEST UNDER S. 16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration (DOA) requests, under s.16.505, extension of current position authorization of a 0.5 FTE program revenue (PR) assistant district attorney (ADA) project position in BC88 for the Dane County District Attorney's (DA) Office. The position would continue to be funded via appropriation 20.475(1)(h). Position authority expires June 30, 2011; however, DOA estimates that unspent funding is sufficient to extend the position until approximately December 31, 2011.

II. BACKGROUND

As the result of an application for a FY2009 Byrne Justice Assistance Grant, the City of Madison Police Department, Dane County Sheriff's Department, City of Fitchburg Police Department, and Town of Madison Police Department allocated funding for an ADA in the Dane County District Attorney's Office. Initially the intent of the ADA position was to address cases involving physical or sexual assault of a child and situations involving children at risk because of domestic violence in the household; however, due to the limited funds available through this grant, the position has carried a general prosecutorial caseload. The law enforcement agencies involved in this grant strongly encourage collaboration among the agencies and support an additional ADA position in the DA's office. Law enforcement agencies stress that there is a need for additional prosecutors to handle the caseload.

The four law enforcement agencies designated \$40,980 for salary and fringe benefit costs of an ADA in the Dane County DA's Office. DOA requested position authorization for a 0.50 FTE ADA until July 31, 2011, or whenever the grant funding would be exhausted, whichever occurred first. On July 8, 2010, the Joint Committee on Finance authorized a 0.50 FTE ADA through June 30, 2011. Due to a delay in filling the position, unspent funding is sufficient to extend the position until approximately December 31, 2011. The law enforcement agencies have agreed to extend the provisions of the grant.

III. ANALYSIS

This position is in furtherance of the State's policy to fight crime by prosecuting those who violate the law.

IV. FISCAL ANALYSIS

As mentioned above, the funding provided by the Byrne Justice Assistance Grant is projected to last until December 31, 2011. The program revenue appropriation is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The source of the grant funds is the federal Byrne Justice Assistance Grant. The grantees are the City of Madison Police Department, Dane County Sheriff's Department, City of Fitchburg Police Department, and Town of Madison Police Department, with specific funding allocated for the salary and fringe benefit costs of an assistant district attorney. Dane County will reimburse the salary and fringe benefit costs for the State-paid ADA position in the Department of District Attorneys.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the District Attorney program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of continuing the position requested on the affected DA office. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need corresponding to all duties of a DA office, and is not specific to a particular type of criminal activity or caseload. As this position currently exists, no change in the needs analysis is shown if the position authority is extended for the position.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Data with which to make this assessment are not available.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

May 26, 2011

Dane County – Extension of General Prosecution Position

s.16.505 Request

Page 3

Other counties had the opportunity to apply for the funds to the extent permitted by law.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The law enforcement agencies have authorized the ADA to handle a general prosecutorial caseload.

Table 1: DA Office Caseload Analysis, December 22, 2010

DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved		DA Office	12/22/10 FTE*	FTE needed before positions approved	FTE needed after positions approved
Adams	1.20	1.12	1.12		Marathon	11.00	1.72	1.72
Ashland	1.75	0.53	0.53		Marinette	2.50	0.10	0.10
Barron	3.00	1.40	1.40		Marquette	1.25	0.55	0.55
Bayfield	1.00	0.49	0.49		Milwaukee	128.50	-11.35	-11.35
Brown	12.20	6.49	6.49		Monroe	3.00	3.19	3.19
Buffalo	1.00	0.02	0.02		Oconto	1.50	0.85	0.85
Burnett	1.25	0.88	0.88		Oneida	2.65	0.57	0.57
Calumet	2.00	0.37	0.37		Outagamie	11.90	3.48	3.48
Chippewa	5.00	0.97	0.97		Ozaukee	3.00	1.20	1.20
Clark	2.00	0.30	0.30		Pepin	0.80	-0.25	-0.25
Columbia	4.50	2.14	2.14		Pierce	2.50	-0.27	-0.27
Crawford	1.00	-0.30	-0.30		Polk	3.25	0.79	0.79
Dane	31.10	6.23	6.23		Portage	4.00	1.98	1.98
Dodge	4.00	2.27	2.27		Price	1.00	0.25	0.25
Door	2.00	0.31	0.31		Racine	18.00	7.96	7.96
Douglas	3.50	0.98	0.98		Richland	1.80	0.12	0.12
Dunn	3.00	1.31	1.31		Rock	14.00	5.02	5.02
Eau Claire	8.00	4.29	4.29		Rusk	1.50	-0.18	-0.18
Florence	0.50	0.12	0.12		Saint Croix	6.95	0.16	0.16
Fond du Lac	7.40	1.96	1.96		Sauk	4.50	2.08	2.08
Forest	1.00	0.59	0.59		Sawyer	2.00	1.12	1.12
Grant	2.00	1.51	1.51		Shaw/Men	3.00	1.79	1.79
Green	2.00	0.93	0.93		Sheboygan	7.50	5.11	5.11
Green Lake	1.75	0.37	0.37		Taylor	1.00	0.14	0.14
Iowa	1.75	0.66	0.66		Trempealeau	2.00	0.33	0.33
Iron	1.00	-0.18	-0.18		Vernon	2.00	-0.68	-0.68
Jackson	2.00	0.62	0.62		Vilas	2.00	0.53	0.53
Jefferson	5.30	2.77	2.77		Walworth	5.00	2.32	2.32
Juneau	2.50	0.92	0.92		Washburn	1.25	0.53	0.53
Kenosha	16.00	3.95	3.95		Washington	5.00	2.39	2.39
Kewaunee	1.50	-0.36	-0.36		Waukesha	16.50	4.38	4.38
La Crosse	8.00	2.89	2.89		Waupaca	3.50	0.80	0.80
Lafayette	1.00	0.03	0.03		Waushara	1.75	0.28	0.28
Langlade	1.50	1.83	1.83		Winnebago	10.40	4.91	4.91
Lincoln	2.00	1.44	1.44		Wood	4.00	4.90	4.90
Manitowoc	5.00	1.77	1.77					

May 26, 2011

Dane County – Extension of General Prosecution Position

s.16.505 Request

Page 5

*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
- 3) The 1.0 PR ADA FTE for anti-drug cases in St.Croix is divided among St. Croix (0.75 FTE) and Polk (0.25 FTE) by the FTE shown in the parentheses.
- 4) In Brown the total FTE used is 12.20 rather than 14.00 due to the following factors:
 - a) the 1.0 ADA FTE sex predator position in Brown is excluded because it also serves approximately 20 other DA offices.
 - b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
- 6) CHIPS extensions include permanency plan review petitions filed under s. 48.365 beginning with data for 2006.
- 7) Immunization cases filed by DA Offices under s. 48.13(13) are included with CHIPS cases beginning with data for 2006.
- 8) The 0.75 PR FTE in Green Lake (0.25 FTE) that also serves Marquette (0.25 FTE) and Waushara (0.25 FTE) is divided by the FTE shown in the parentheses.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

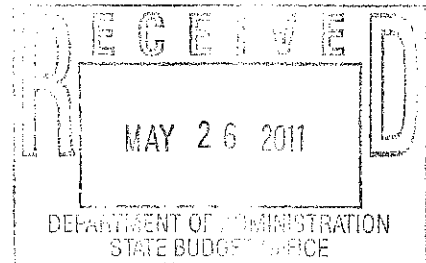
MIKE HUEBSCH
SECRETARY

Division of Administrative Services
State Prosecutors Office
Post Office Box 7869
Madison, WI 53707-7869
Voice (608) 267-2700
Fax (608) 264-9500

DATE: May 23, 2011

TO: Brian Hayes, Administrator
Division of Executive Budget and Finance

FROM: Philip W. Werner, ^{PWW}Director
State Prosecutors Office



SUBJECT: **REQUEST UNDER S. 16.505 FOR DEPARTMENT 475: DANE,
MILWAUKEE, AND OUTAGAMIE DISTRICT ATTORNEYS' OFFICES**

On behalf of the Dane, Milwaukee, and Outagamie District Attorneys' Offices, I am submitting the attached request to extend position authorization of 8.0 FTE program revenue project positions in Department 475, District Attorneys.

Thank you for your attention to this matter.

Attachment

Dane, Milwaukee, Outagamie Counties – Extension of Congressionally Selected Award (Kohl Earmark) Prosecutors
s.16.505 request
May 23, 2011

DEPARTMENT OF ADMINISTRATION REQUEST UNDER s.16.505 FOR POSITION AUTHORIZATION

I. REQUEST

The Department of Administration (DOA) requests, under s.16.505, the extension of current position authorization of 8.0 FTE Program Revenue (PR) assistant district attorney (ADA) project positions in BC79 from June 30, 2011, to December 31, 2011. One position is located in the Dane County District Attorney's (DA) Office; six in the Milwaukee County DA's Office; and, one in the Outagamie County DA's Office, and will continue to be funded via appropriation s.20.475(1)(k).

II. BACKGROUND

As federal funding sources have become more unstable in recent years, more attention has been directed toward ADA positions funded in this manner. Near the end of the 2007 legislative session, State Senator Jim Sullivan introduced SB 497 to provide general purpose revenue funding for 21.3 FTE ADA positions at risk of losing federal funding. The session ended prior to any action on the bill; however, the 21.3 positions became the basis for a request to U.S. Senator Herb Kohl for federal fiscal year 2009 funds to support these positions. The federal fiscal year 2009 omnibus budget bill was signed by President Obama in March, 2009, and included \$1.2 million to the Wisconsin Department of Administration to support ADA positions in Milwaukee County and other counties that had lost funds or were at risk of layoffs.

III. ANALYSIS

From the time the application for federal funds was made and their approval, many of the 21.3 FTE positions that had been identified as at risk received alternative sources of funding. Of those positions, however, a permanent position in Dane County was vacated and a 0.50 FTE position in Outagamie County was abolished. Following discussions with affected DAs, DOA applied to the U.S. DOJ to fund 8.0 FTE positions from the Congressional award; and, funding was projected to be spent by June 30, 2011. The counties approved to receive these funds were Dane, Milwaukee, and Outagamie.

The Joint Committee on Finance granted position authority for the eight positions through June 30, 2011. For the following reasons, the funding was expended at a slower rate than anticipated: due to Wisconsin's budget deficit, all State employees have been required to serve unpaid furlough days in the current biennium; and, two counties encountered delays in hiring prosecutors. It is anticipated that the remaining funding could extend all eight ADA positions into December, 2011.

Dane, Milwaukee, Outagamie Counties – Extension of Congressionally Selected Award (Kohl Earmark) Prosecutors
s.16.505 request
May 23, 2011

The positions perform the following duties:

Dane County Domestic Violence ADA: This 1.0 FTE position specializes in prosecution of domestic violence (DV) cases. The DV prosecutors in Dane County are provided specific training and understand victim issues, concerns, and the decisions victims make pertaining to non-cooperation with prosecution as it relates to their safety and that of their children.

Milwaukee County Community Prosecutors: 2.0 FTE positions function as the 1st and 3rd District Community Prosecutors. These ADAs are based in police district stations and work with local law enforcement agencies, the U.S. Attorney's Office, the Milwaukee City Attorney's Office, DOC, and community agencies with the goal of enhancing the quality of life of the communities they serve, and to reduce drug trafficking and criminal gang activity. In addition to identifying gangs and major offenders for prosecution, they identify non-violent criminal offenders for treatment and diversion programs.

Milwaukee County DV Prosecutors: The 4.0 FTE ADAs prosecute all cases coming before the DV courts, including caregiver child abuse and neglect cases, children in need of protection and services, and family violence issues.

Outagamie County Neighborhood Prosecutor: The 1.0 FTE prosecutor is dedicated to vertical prosecution of crimes that occur in particular neighborhoods in the City of Appleton that have experienced an increase in the crime rate in recent years, and provides a consistent approach toward repeat offenders in the targeted neighborhoods.

The eight positions funded by the Congressional award are in furtherance of the State's policy to fight domestic violence, drug crime, and gang activity, and to divert non-violent offenders away from the traditional criminal justice system and direct them toward services and treatment, thereby reducing recidivism.

IV. FISCAL ANALYSIS

The savings that have been recognized due to unpaid furlough days and the delay in filling ADA positions in two counties are sufficient to fund the 8.0 FTE positions until approximately December 31, 2011. The program revenue appropriation, s.20.475(1)(k), is continuing and will be re-estimated based on actual experience.

V. REVENUE SOURCE FOR APPROPRIATION

The source of funds is the Congressionally Selected Award in the federal fiscal year 2009 omnibus budget bill. The federal government has approved DOA's grant adjustment notice requesting extension of the 8.0 FTE ADAs through December 31, 2011, in order to use the remaining funds.

VI. SPECIAL INFORMATION

The co-chairs of the Joint Committee on Finance, in a letter to the Department of Administration Secretary dated June 12, 1996, set forth four additional items of information that should be included in a s.16.505 request for additional positions in the DA program.

- 1) *An explanation of the effect of the positions on weighted caseload for the requesting counties (the LAB methodology is suggested).*

Table 1 indicates the results of the LAB methodology using the modifications recommended by the Wisconsin District Attorneys Association and highlights the impact of continuing the position requested on the Dane, Milwaukee, and Outagamie DA Offices. The table uses the most current court data available (2006-2008) and the positions authorized as of December 22, 2010. It is important to note that the position need shown in the LAB methodology is a general need corresponding to all duties of a DA Office, and is not specific to particular types of activities or caseloads such as those covered by this funding. As these positions currently exist, no change in the needs analysis is shown if the position authority is extended for the positions.

- 2) *An assessment of similar caseload problems in counties not addressed by the request.*

Many counties in Wisconsin experience domestic violence, drug crime, and gang activity; however, the intent of the funds was to continue prosecutor positions in counties that had lost positions due to loss of funding or positions that were at risk of being laid off.

- 3) *An explanation of why the request has greater priority than similar needs existing in other counties.*

The intent of the funding authorized in the 2009 omnibus budget bill was to continue prosecutor positions in counties that had lost positions due to loss of funding or positions that were at risk of layoff.

- 4) *If the request is intended to address a specific type of caseload, an explanation of why this type of caseload has a greater priority than other types.*

The decision to give this need a higher priority than other competing needs rests with the intent of Sen. Kohl in requesting this specific funding in the 2009 omnibus budget bill.

Dane, Milwaukee, Outagamie Counties – Extension of Congressionally Selected
Award (Kohl Earmark) Prosecutors
s.16.505 request
May 23, 2011

Table 1: DA Office Caseload Analysis, December 22, 2010

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Clark	2.00	0.30	0.30		Pepin	0.80	-0.25	-0.25
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Iron	1.00	-0.18	-0.18		Vernon	2.00	-0.68	-0.68
Jackson	2.00	0.62	0.62		Vilas	2.00	0.53	0.53
Jefferson	5.30	2.77	2.77		Walworth	5.00	2.32	2.32
Juneau	2.50	0.92	0.92		Washburn	1.25	0.53	0.53
Kenosha	16.00	3.95	3.95		Washington	5.00	2.39	2.39
Kewaunee	1.50	-0.36	-0.36		Waukesha	16.50	4.38	4.38
La Crosse	8.00	2.89	2.89		Waupaca	3.50	0.80	0.80
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Lincoln	2.00	1.44	1.44		Wood	4.00	4.90	4.90
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Dane, Milwaukee, Outagamie Counties – Extension of Congressionally Selected
Award (Kohl Earmark) Prosecutors
s.16.505 request
May 23, 2011

*Modifications:

- 1) The 0.5 GPR FTE in Washburn (0.25 FTE) that also serves Burnett (0.25 FTE) is divided by the FTE shown in parentheses.
- 2) In Milwaukee, the total FTE used is 128.50 rather than 129.50 because the 1.0 DNA position serves the entire state; so, showing it as a Milwaukee position distorts the data.
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 - b) 0.8 FTE of the 1.0 JAIBG position is excluded as its funding is limited.
- 5) The weighted time estimate for CHIPS cases was changed from 2.61 hours to 6.0 hours effective in the 2004-06 study, based on a 7/04 WDAA Executive Board recommendation.
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US DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

GRANT ADJUSTMENT NOTICE

Grantee Information

Grantee Name:	Wisconsin Dept. of Administration	Project Period:	07/01/2009 - 12/31/2011	GAN Number:	003
Grantee Address:	101 E.WILSON STREET 8TH FL MADISON, 53707	Program Office:	BJA	Date:	05/13/2011
Grantee DUNS Number:	80-903-5728	Grant Manager:	Nikisha Love-Weaver		
Grantee EIN:	39-6028867	Application Number(s):	2009-H0052-WI-DD		
Vendor #:	396028867	Award Number:	2009-D1-BX-0184		
Project Title:	Support Assistant District Attorney Positions in Dane, Milwaukee and Outagamie Counties Where Funding Has Ended or Will End in the Next Year	Award Amount:	\$1,200,000.00		

Change Project Period

Current Grant Period:	Month: 23 Day: 29	New Grant Period:	Month: 29 Day: 30
Project Start Date:	07/01/2009	*New Project Start Date:	07/01/2009
Project End Date:	06/30/2011	*New Project End Date:	12/31/2011

*Required Justification for Change Project Period:

A no cost extension of the project period is sought for this grant. Three factors affected the rate of spending for this grant. First, due to measures to address budget deficits in Wisconsin, all employees were required to take

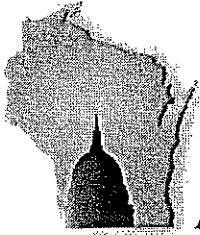
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Secretary Signed Request for Grant Adjustment.pdf	LWavru	04/29/2011 2:31 PM

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**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Office of the Secretary
Post Office Box 7864
Madison, WI 53707-7864
Voice (608) 266-1741
Fax (608) 267-3842

April 22, 2011

NiKisha L. Love
State Policy Advisor for the Justice and Mental Health Collaboration Program
Bureau of Justice Assistance, Office of Justice Programs
US Department of Justice
810 7th Street, NW, Room 6264
Washington, DC 20531

Dear Ms. Love,

This letter serves as a formal request by the Department of Administration (DOA) for a six-month extension to the FY2009 Congressionally Selected Award grant award 2009-D1-BX-0184. DOA is requesting to extend the performance period for this grant through December 31, 2011. We are requesting a six-month extension to this grant in order to retain experienced prosecutors for an additional period of time. This is the first extension request for this grant and it is hoped that it will be the only extension necessary.

The Congressionally Selected Award allowed continuation of prosecutor positions in counties that had lost positions due to loss of funding or positions that were at risk of being laid-off. Eight assistant district attorney positions in three counties received this funding and allowed continued prosecution of dangerous offenders in Dane, Milwaukee and Outagamie counties. The types of specialized prosecution that are the focus of these prosecutors include community prosecution and domestic and family violence. The grant amount of \$1,200,000 was originally projected to be spent over two years.

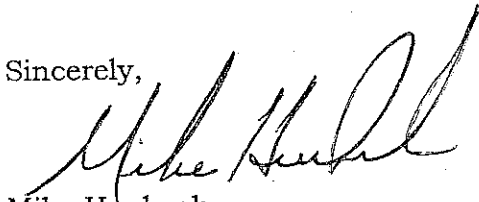
Three factors affected the rate of spending for this grant. First, due to measures to address budget deficits in Wisconsin, all employees were required to take unpaid furlough days in the last two fiscal years, including prosecutors. This is the first time in recent memory that state employees were required to take unpaid days off to address a budget deficit. Second, there were delays in hiring some of the prosecutor positions including one county that had turnover when the elected District Attorney (who appoints assistant district attorneys) was elected to the state Court of Appeals. Third, the budget repair bill as recently passed in Wisconsin included increased employee compensation requirements, which will decrease the amount of fringe benefits paid by grant funds. Together, these factors have slowed down the rate of grant expenditure and will result in unspent funds remaining as of June 30, 2011, the original project end date.

Denial of the project period extension will result in loss of funds that could be used for community prosecution and vertical prosecution of domestic and family violence cases in three counties in Wisconsin. As an example of the impact of these positions in six months, the four domestic and family violence prosecutors in Milwaukee County received 5,075 cases with 1,787 accepted for prosecution and a 70% conviction rate for felonies for the time period of July 1 through December 31, 2010. Extension of the project period ensures that the original goal of the grant, to retain at-risk prosecutors, continues to be met for as long as possible.

It is projected that approximately \$188,000 will be unspent as of June 30, 2011. The requested extension of six months should be sufficient time to spend down the remaining funds, factoring in expected employee compensation changes.

For the reasons listed above the Department of Administration requests an extension of the funds awarded from federal fiscal year 2009 to December 31, 2011. Thank you for any assistance you can provide in achieving this and allowing the full expenditure of these funds to protect public safety in Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Huebsch", written over a horizontal line.

Mike Huebsch
Secretary

